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THE FIRST PART OF SIMBOLEOGRAPHY.

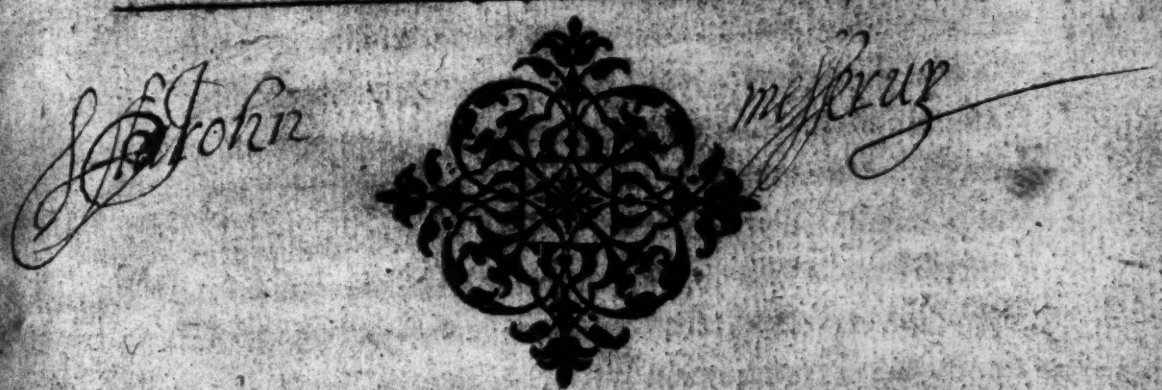
WHICH MAY BE TERMED the Art, or Descriptions, of Instruments and Presidents.

Collected by WILLIAM WEST of the Inner Temple ESQVIRE.

And now newly augmented with diuers Presidents touching Merchants affaires.

Alij multa perficiunt : Nos nonnulla conamur :
Illi possunt : Nos volumus.

Ingenij cibus Studium, studijque diligentia.



LONDON,
Printed for the Companie of Stationers. 1622.

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VVHICH MAY BE TER-med the Art, or Delcription, of In-ſtruments and Preſidents.

Collected by WILLIAM WEST of the Inner Temple Sqvire.

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BODLEIAN P 2MAR1955

Alij multa perſcribunt : Nos pauca colligimus : Illi ponunt : Nos volumus.

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LONDON, Printed for the Companie of Stationers. 1622.

Viro Iurisprudentia, pietate, authoritate
præstantissimo, Edmundo Anderson Militi,
Regiæ Maiestati Iudici primario ciuilium actionum,
patrono suo omni obseruantia colendo, W. West.
iudicijs diu ac feliciter præsidere
ex animo optat.

SEsquianus iam est (vir ornatissime) ex quo primum hoc opus Symbolæographicũ operæ vuragq; meæ sub fautissimis nominis tui auspicijs in lucem feliciter prodijt. Cogitari certè quidem vix potest quanto hominum studio atque applausu (te patrono) fuerit acceptum, adeo vt nihil vnquam eiusdem generis ipsis gratum magis aut probatum haberetur. Verumtamen quemadmodum alijs etiã in rebus vsu venire assolet, nihil primo vt nascatur perfectũ. Itidem et in hoc negotio non potuit non contingere, quin nonnulla nec plene, nec accurate satis poliua atq; descripta essent. Quinimo plurima, partim quidem desiderata, partim vero redundãtia, partim etiam indigesta essent. Quibus quidem incommodis ipse aliquando mederi constituera̅, quod ne integre præstare potuerim, multa me etiam hactenus impediunt. Nam (si quod verum est liberè fateri liceat) quam primũ Typographus exemplũ omnia priora (specitius) distraxisset, ne speratum inde lucrum diutius expectaret, me tandẽ ex improuiso nil tale adhuc somniantem, immo alio destinatũ, de noua etiã editiõ statim ineunda summonuit, vehementèr rogitans

gitans, vt teneram atq; informem istam prolem, lato vultu agnoscere, fauere, ac ad vitæ instar relabere non dedignarer. Illius autē petitioni honestæ certè, (mihi tamen tunc temporis plurimis magni momenti negotijs implicato nō satis æquè) non potui assentire. Ex quo enim hanc commentandi prouinciam semel suscepissem, nihil prorsus mihi potius tentandū videbatur, quàm vt in quo congerendo aliquantulum a me iam elaboratū est, in eodē etiā digerendo atq; honestando diutius adhuc immorare, ipsumque demuo typis excusum auctiorē adeoque emendatiorem exhibere curarem. Quæ igitur tantillo tēpore ad hanc rem conferre potuit mea tenuitas, ea omnia libētissimè contuli. Cumque in illa priore editione Hebraea aliquot Græca autē non pauca interseruissem, illa nunc omnia ne imperitiorū studia ac progressus, obscuritatis specie, linguarum ignorantia remoretur, penitus sustuli: ipsorum potius vtilitati quàm meæ æstimationi inseruiens. Nam vt q; se res habet, ex vsu mihi omnia æstimanda atq; approbanda videntur. Quod vero iam postremū atque omnium adeo maximum est (vir illustrissime) vt hos meos labores qualescunque, non minores, quam illos in genus priores, benignitate excipere, & patrocinio iam secundo tutari velis, te etiam atq; etiā rogo. Te deniq; (Iurisconsultissime) æternus Iudex non Anglicano tantū Regno, regiaque Maiestati serenissimæ, sed vniuersis quoq; veræ Iurisprudentiæ vere studiosis quam diutissimè seruet incolumem. Vale, Rotheramiæ, Maii octauo,

Tui honoris studiosissimus

W. West.

The Table of the first part of Symboleography.

Acquitances.

Of an Annuitie, Sectio 484
In discharge of an Annuitie. 500
By an Attorney. 502
By a Baylife. 486
Of the farme of a Benefice. 487
For creation money of an Earle. 492
By a Deputie. 503
Of part of a debt. 491
Of recompence of Dower. 490
Of Exhibition money. 485
Generall with a Proviso. 496
To saue harmelesse. 501
For lands mortgaged. 483
Of a legacie. 469
Of money to repay another. 489
Due by Recognisance. 498
By an Obligee. 495
Of a rent. 486
Of a rent charge. 488
Speciall. 497
Of Tenthes. 494
Of a Vicar. 493

Administrations.

By the Archb. of Canterb. 652
By the Archbishop of Yorke. 653
Letters of Attorney to take administration. 545
Letters of Administration. 650

Aduowsons.

Of a Deanrie of a Colledge. 333
In fee. 338
Graunt thereof. 597
Of a Parsonage. 332
Of a Prebend in a Colledge. 335
Of a Vicarage. 334
336

Annuities.

Acquitance thereof. 484
500
Bargaine and sale thereof. 367
By a Bishop. 332
Pro Consilio & auxilio. 307
312
To daughters. 82
To begin after death. 310
311
In allowance of Dower. 485
Vpon condition to claime no dower. 309
Earle Marshall. 351
Graunts thereof. 298, 301
With a pente. 303
Out of the Hamper. 378
Out of lands. 320
For terme of life. 312

For promotion of Marriage. 319
Saued harmelesse of Incumbrances. 150
As long as he shalbe Parson. 308
For releasing. 322
For Diuine seruice. 318
Pro seruitio. 309
To yonger sonnes. 82
Made by feoffor in vse. 282
Warrant for payment therof. 571

Apparance.

Before the K. Counsell. 204
In the Kings Bench. 207
In the Common Place. 203
Vpon a Latitat. 209
Of Pyzats. 212
For the Peace. 888

Appropriation.

Of a Parsonage. 339

Assignement.

The Lesse shall not assigne. 315
Of glebe and Tenths. 432
During minozitie. 454
Of Statutes. 456
Of a ward. 455
For yeares. 453

Attournement.

Defined. 438

Indorced. 382
With Liuerie of seisin. 383
Of tenant for life. 383
By diuers tenants. 383
A deed of Attornement. 384
385

Bargaine and sale.

Of Annuitie. 397
Of Copyhold lands. 401
Defined. 393
Inrolled. 393
Of lands. 395
Of a Mannor. 396
Of a Messuage. 394
Of a Parsonage. 400
Of a Reuersion. 398
399
Of Tymber. 404
In trust of Wiues. 484
Of a wainscot. 402
Of wheat. 403
Of wood. 405
406

See Alienations and Leases.

Bills.

To a Bishop. 102
With dayes of payment, and a penaltie. 102
Defined. 100
Indented. 101
To Merchants. 102
For money lent. 101
By one to one. 101.102
Without a penaltie. 101
To the Queene. 102
Renouncing Sanctuary and protection. 102
To a Sheriffe. 102
For things lent. 101
By three to three 101
102
By two to two. 101
102
Of sale. 418

Certificate.

Of royall assent. 574
Of a Statute 605
For payment of Subsidy money. 631

Conditions of Obligations and Recognisances.

Defined. 110
To pay money at a certaine day. 111
At two dayes. 112
To pay Money and deliuer wooll. 113
For the farme of Kine, & redeliuerie of them, or money. 114
To redeliuer sheep for money. 115
To pay money, or knowledge a statute staple. 116
To pay money by a day, or to yeeld to an arrest. 117
To pay money for a chaine of gold vpon discent of lands to his wife. 118
To pay after eniction. 119
To pay money after returne from &c. 120. 121. at his returne, Marriage, or death. 122. 123
To pay childrens parts. 124
To pay a rent. 125
To pay an Annuitie, and not to sue a Replegiare, &c. 126
To pay money receiued with a Prentice. 127
To deliuer Fagots. 128
To pill and sell wood, make and deliuer Fagots. 128
To deliuer Codfish. 130
A last of Salmon. 131
Pyles. 132
Lead. 133
Salt, or to pay money. 134
Plate lent. 135
Corne. 136
137
Coles. 138
To carrie coles. 139
To seale an Obligation with a surette 140
To cause one to seale an Obligation. 141
To release, &c. 142
To make a Iointure. 143
145
To make an estate. 144
For further assurance. 146
For making of a seale. 147
To performe an exchange. 148
To reenfeoffe. 149
To graunt Annuitie, 150
To surrender customary lands. 151
To make a Boat. 152
To make an estate of lands by fine. 153
To make reparations and fences. 154
To warrant wood, or any like thing. 155
To warrant the sale of a shop. 156
To enioy lands quietly. 157. 159
Peaceably to enioy Corne or Grasse. 158
To suffer one to enioy lands recouered. 160
To saue harmelesse. 161
That landes bee discharged. 162
To defend the title of lands recouered, and to pay the costs thereof. 163
To pay money for marriage. 164
To bequeath goods to a wife. 165
To get the assent of y Court of Wards to let lands. 166
For the occupation of two Boats and certain Nets. 167
To purchase and sell. 168
Not to pursue an appeale. 169
Not to prosecute any action in spirituall Court. 170
To performe couenants. 171
To performe an award. 172
To performe an award of lands, and to shew euidences. 173
That a Prentice shall not waste his masters goods. 174

For

For a seruant or apprentice. 175
Not to disdraill a letter of Attorney to receiue debts. 176
For Lands. 177
To perfoime a will. 178 and saue harmelesse the executors thereof. 179
Not to meddle with executorship. 180
Not to doe any act as executor without consent of his coexecutor. 181
Not to sell Lands but to the obligee for a sum certaine. 182
That a mans wife shal claim no dower, but release vpon request. 183
That an estate is good, and that the wife shall claime no Dower. 184
Not to be surette. 185
Not to play at dice. 186
To pay mony or saue harmelesse of a Recognisance. 187
To saue harmelesse of a bond. 188
Of a bond for the peace. 189
To saue harmelesse a surette in the Guildhall. 190
To discharge his bailes in the Kings Bench. 191
To saue his baile harmelesse, and render himselfe prisoner &c. 192
To saue harmelesse of couenãts for the sale of woods. 193 of a Recognisãce. 194 of debts and legacies. 195, 196 from suits in law. 197
To keepe the peace, and appeare to the Mr. Councell. 198
To keepe the peace. 199 and to be of good abearing. 200 202
For apparance in the Kings Bench and good abearing. 201 in the Cõmon place. 203
To giue euidẽce against Felons 204. at the Sessions. 205
To appeare at the next Sessions. 206
To appeare in the K. Bench for the peace. 207
For behauior, & not to resort to the obligers house. 208
To appeare on a Latitat. 210
To returne cattell repleuied. 211
That Prysoners shall appeare at next gaole deliuerie. 212
Of a recognisãce for Brewing. 213. 214
Of an Alehouse keeper. 215
To find meat, drinke, and other necessaries during life. 219. 220
To leaue his wife worth &c. 221. 222
To suffer his wife to make a will. 223 or to giue certain goods during her life. 224
To passe an account, and procure discharge for a Shetife. 225
For executing of a Bapticke. 226. 227
To resigne a Vicarage. 228
To renew surettes. 229
To alter bies. 273. 274

Confirmation.

Of an Annuitie in allowãce of dower. 448
By the Bishop, Deane, and Chapter. 447
Defined. 457
In fee. 457
By the Ordinarie and Patron. 459
Of the office of the keeper of a parke, bayliffe, & stewards. 457

Conueyances.

Not without consent of Inhabitants. 289
Vpon trust. 284
To bies. 263
2266. 285

Copies of Court roll.

Wargaine and sale of Copiehold lands. 401
What a Copiholder is. 603
His confession. 627
Feoffement thereof. 245
Assured by fine. 578
To the husband and wife. 629
Instructions for making of them. 605
For two liues. 619
By a man and his wife. 622
Release by Copie. 618
with remainder. 620
The tenant repaying. 6 6
The stile thereof. 604
Made by the Surueyor. 623
The Lord to find number. 625
where the heire is admitted. 606
Of an admittance in fee. 607
After a seisure. 610
In fee by the Lord. 611
In auncient demeine. 614
615
In taile with Remaynders. 616

See Surrender.

Couenants.

The words thereof. 58
Betweene two and two. 58
Betweene three and three. 58
Betweene Executors 59
To sue Statutes. 60
To discharge executors, and procure Release. 61
To prolecute suit. 62
To surrender Copihold land. 63
Touching the assignement of executorship. 64
For speedie triall, and quiet occupation in meane time. 65
To make assurance. 66
To assure lãds to saue harmelesse

leste of Recognisances. 67
To make assurance in taile after a fine knowledged. 68
Not to sell but to the vendee. 69. 422
Not to take advantage of former covenants, if lands discend not. 70
To shew evidences to maintaine another's interest. 71
To deliver Writings upon notice of suit. 72
To leave Iron mils furnished in default of payment. 73
To be seised to thuse of lessee performing covenants. 74
Of an undersheriff to execute his office, and to save the high Sheriffe harmeles. 75
To make a lease for yeares by fine of copyhold lands. 76
That the feoffor hath done no act but that he is seised, and so will continue. 77
Not to sell lands but to T. R. without his licence.
Betweene the Master of the Court of wards, and thereupon liverie to bee sued. 86
Of Marriage, and Joynture to be made. 81. 82. 85. 86. 87
Of marriage of a King. 83
To make Joynture. 88
Of marriage, & to levie a fine, and suffer a recoverie. 88
To pay conditionally. 80
To lead the use of a fine, and to levie the same. 90
To levie a fine, and to make other conveiances to continue the landes unto him. 91
Limiting the use of a single fine levied by the husband and wife. 92
That upon agreement to sell, rent shall cease. 93
To levie a fine upon graunt and render. 94
To levie a fine, &c. 95. to uses
96. & that the consus shall grant the lands in taile &c. 97
Limiting uses of fines & recoveries, with a covenant to restrain the liberty thereof. 98
Limiting uses in taile not to be discontinued. 97. 99
To agree upon an action. 65
To do further acts. 63
To divide parts upon agreement.
To stand bound for accomplishment of &c. 60
To beare charges in prosecuting. 62
To charge lands. 60
To keepe a Court. 68
To demise for lives, or yeares. 82
To occupie grasse in common. 65
To time hay. 65
Neither party to hurt other. 65
For discharging of Incumbrances. 66
For quiet injoying. 78. 305 till money payed. 289
To purchase lands to the value of, &c. 269
To save harmeless. 501. of legacies 59
To find necessaries. 414. 416
For quiet occupation. 109. 66
Of Partnership. 510
To reenter for default of issue male. 268
To depart upon repayment. 316
To stand seised. 73. for default of issue. 81
Not to trench, &c. 66
To leave his wife dowth &c. 82
That rent cease upon eviction. 434
That the lessor may enter & distrain. 446
Which may be used in leases. 450
That every que vse shall dispose the profits for education of the feoffees childe. 468
Not to barre or extinguish Remainders. 269
That feoffees in use shall doe no act to frustrate uses. 270
That ye lessee may lop woods. 313
That the lessor may enter & make fallowes. 314
That ye lessee shal not assigne. 315
By the lessee to depart. 316

Debt.

Espited upon a safe conduct. 325

Defeasances.

Vpon bargain and sale. 408
To make a Lease according to an old lease. 252
Of an Obligation. 230
Of a Recognisance. 213
Of a rent by obtayning estate in lands. 407
Of a statute staple. 233
Knowledged before the chief Justice, &c. 234

See Statute Staple.

Executors.

See Conditions.

Executions.

See Couenants.

Exchange.

A grant thereof. 511. 513. 514
Charges in exchange. 512
Of lands. 515

Fee farme.

Of Mortgage. 410
Inrolment thereof 420

Feoffements.

In ancient demesne. 246
Of Copyhold lands. 247

Of

Of a deuise. 239
Defined. 235
By executors. 241
In fee. 238. in fee Farme. 420
For mayntenance of high seates. 389
Of an Handzed. 243
To the husband and wife. 244
Of lands descended. 236
Of lands purchased. 237
with a Letter of Attourney. 238
In London. 242
Of a Manor recouered. 240 250
Until money be payed. 260
Void for nonpayment. 265
Of lands giuen by testament. 240
Ad intentionem reseoffandi. 247. 248
For discharge of Tares and Fiftenes &c. 289
In trust to vses. 289
To vses alterable by the feoffor. 271

Gifts.

In Frankmariage. 258
Of goods. 423 424. 425. 416
In speciall taile. 256. 257. Generall. 254. with remainder ouer. 255

Grants.

Of Idueluson. 332. 333. 334. 335. 336. 338. 597
Of an Annuitie. 298. 299. 301. 303. 306. 307. 308. 309. 310 311. 312. 313. 318. 320. 321. 322. 332. 333. 334. 335. 336. 338
Of part of an Annuitie. 300
Of an annuitie out of the hutch, wine out of the Kings celler &c. 378
Of a pension in recompence of an appropriation. 313
Of an Auditorship 367. of the Exchequer. 366
Of an Vsuragership. 343
Of a Bailywicke. 345
Of Libertie to a Bondman. 380. 381
In Capite. 386
Of offices of Chamberlaine of the Exchequer, Iustice in Eire, Keeper of Castles &c. 350
Of the Clerke-ship of the peace 347. of the Hamper. 375
Of a Collation. 337. 354 356
Of a Comm. 291. for sharpe. 294
Of a Constable, and a master of a forest. 363
Of a Corodie. 324
Of Custos rotulorum. 346
Defined 290
Of Exchange. 512
Of a Faire. 361
Of a Fellowship. 376
Of Goods. 425
Of herbage and pannage of a parke. 374
Of an Ioyot. 365. with his lands. 308. 370
Of the Incorporation of a Towne. 390. by the king. 392
Of the tuition of a Lunatick. 369. his Familie. 370
Of libertie to repaire. 326
Of a Manor or Lodge. 355 373. 389. with thabouesaid. 387
Of Mariage. 329. 330
Of a messuage. 353
Of the Earle Marshals office and honour with annuitie. 353
Of a Parkership. 372 373
Of a Patronage &c. 388
Of the office of the pipe in remeriion. 379
Of a parsonage in pure alms 357
Of a Prebend. 358 360
Of a remerion. 291. 292. 302. to the Q. 293. reuocable by tender. 296
Of a rent charge. 305. with a Nomine Pene. 304 305
Of a fee or chiefe rent with Homage and seruice. 317
Of Receiuer and Surueyor with fees. 377
Of a sakeronduct. 305
Of Stewardship. 340. of a Corporation 341. 388. during pleasure. 344
Of a Sheriffe or Register. 348
Of Surueyorship. 349. 364
Of turbarie. 293. 374
Of Vnderstewardship. 342
Of a wardship. 327. 328 within age. 331
For life, without impeachment of waste. 358
Of a Warren. 359
Of a speciall imerie, and ouster le maine. 392

Indentures.

For a Prentice. 582. 583

Inuentarie.

Of goods. 654
To exhibite an Innentarie. 546

Iointures.

See conenants, conditions, and vses.

Leases.

A Sssignment to vses. 287
Reserving Parley. 433
Of a Brewhouse. 439
Of Charter lands. 443
Of Corne. 438
Conenants of Leases. 450
By a Deane and Canons. 436. with dispensation of 21. H. 8. 362
To trie a Title by Ejectione firme. 449
with

with Exceptions. 432
By Executors. 447
Of Fish and ponds. 441
Of a house. 431
Giuen by the first husband, and conueyed in trust, that her second husband sell it not. 286
In trust in stead of ioynture. 285
Libertie to make leases. 275. 282
Of Mills. 442
Of a mesnage. 430.435
Made according to the olde Lease. 232
By the patron and parson, &c. 447
Of a Parsonage. 444.445
Reseruatiō of power to make Leases. 84
In the Court of Wards. 437
Of a Warren. 440
At will. 452
Warrant to deliuer a Lease. 534
Warrant of Atturney to make Leases. 538
For xxj yeares. 84
From yeare to yeare. 151
Legacies.
See Conditiōs, Couenants.

Letters of Atturney.
To accompt. 546
To make acquitance. 530
For speciall debt. 520
To receiue debts. 530
To enter for nonpaymēt. 519. 529
By executors. 522
Generall. 533
To alien lands. 532
To ouerlie lands. 519. vpon the Kings licence. 521
By a Maior and Comonaltie. 528
To receiue money. 517
How necessarie. 516
To seale an obligation. 531
To receiue possessiō. 525. costs of the Sherife. 526
To take possessiō. 529. of lands extended. 518
To deliuer possession. 524
To recouer and retaine. 521
Reuoked. 527
To sue. 534. to a court. 535
To exhibit a will. 546
See warrants of Atturney.

Letters Missiue.
For an aduowson. 664.686
To a Bishop. 587
To a Deane and Chapter. 585.586
By the King. 584
Betweene subiects. 588
Letters of substitution. 536

Licences.
To alien lands in cap. 567
To sell Ale. 557
To keepe an Alehouse. 558
For apparell. 540
For Badgers of corne. 568
To begge. 559.560
To buie. 554
To weare a Cap. 591
For a Crossebow. 547.548
To buy Hats beyond sea. 561
To purchase in Mortmain. 556
To be vnresident. 553
To make a Parke within liberties. 563
To be absent from Parliament. 552
To retaine men. 550
To teach & erect Schooles. 564.565
To shoot in handguns. 549
To keepe a Taverne. 555
Warrant for a licence to elect a Bishop. 572
To transport vnwill. 569
To demise for yeares. 624
Liuerie of seisin.
Defined. 251
Entring thereof vpō the land made in person. 252. by Atturney. 553
Marriage.
See Cōditions, Couenāts, Graunts and Ioynture.
Mortgage.
Acquitance for lands mortgaged. 433
Vpon condition to pay. 409
Of a fee farme. 410
Of lands. 411.413.416.418
419
To find meat. 414
Vpon payment. 413.415
So long harmeles. 417
Release by the Mortgager. 470
Obligations.
See bills.
Offices.
See Graunts.
Partition.
Betweene copartners. 507
Betweene tointenants. 506
Of lands discended. 504
Of lands purchased. 509
Amongst 4 pareeners. 560
Partnership.
Couenants therof. 510
Pasport.
See licences.
Pawnes.
Of a chaine of gold. 429
Of plate. 427
Petition.
For erecting a Schoole 566
Presentations.
To an Archdeacon. 590
To a Chantrie. 594
By a master of an hosp. 595
Post mortem incumbentis. 59
Notes touching presentations. 598
To a Parsonage. 589.593
To a Prebend. 591.592
Void by resignation. 602
Sede vacante. 599
See Aduowsons.
Recognisances.
For good abearing. 104
In the Admiraltie. 103
Acquitāce of mony due therby. 198
For Alehouses. 104
Before the Barons of the Exchequer. 104
In the Chancerie. 103
Defeasances thereof. 131
Defined. 103

To giue euidence. 104
Before a Iustice of the common pleas. 104
Single before a Iust. of P. 103
Lands assured to saue harmeles thereof. 67
For the peace. 104
To appeare at Sessions. 104
For keeping a Tauerne. 104

Releases.

Of all actions. 471
Of Amerciaments. 478
Of an appeale. 474
In performance of an award 477
By copie. 628
Defined. 466
Of Dower. 630
Of Errors. 481
In a writ of entrie. 480
Betweene leoffees. 476
Generall. 482
Betweene ioint lessees. 475
Of communication of Matrimonie. 473
By the mortgagee. 470
Of the peace. 479
Of a prisoner. 542
Of a Quare impedit. 472
Of right in land. 468
To tenant of freehold. 467
To tenant for yeares. 466
To the vendee. 469

Reseruation.

To make leases. 84
Suit of court reserued. 291

Resignation.

Of a benefice. 601

Reuersion.

See grants.

Reuocation.

Of administration 544
Of a letter of Atturney. 537

Sales.

Vpon condition. 417
Reseruing rent. 421
Of a reuersion. 297
Bill of sale. 428
See Bargaine and Sale

Statute Merchant.

Knowledged before Baliffes 106
Certificat thereof. 106
Defined. 105
The forme. 106
Lands extended by Statute 528
Assignment of statutes. 456

Statute Staple.

Defined. 101
For debt. 108
Improper. 109
Where and who bold against purchasers. 508
See defeasance.

Subsidies.

Certificat for paiment thereof. 631

Surrender.

Vpon condition. 464
Out of court. 621
Defined. 466
Of an estate for life. 461
Of leases for yeares. 465
To one in remainder. 462
To one in reuersion. 463
Before the Steward. 618
See alienation and Copies of Court Roll.

Trust.

Feoffement in trust to vses 289
New feoffees in trust after death. 289
Leases in trust in stead of ioniture. 286
See Bargaine and Sale, Leases and vses.

Testaments.

See Wills.

Vses.

Vpon alienation. 264
After alienation, bargaine or sale shall cease. 99
Assignement of a lease to vses. 287
Conueiance to vses in ioinure. 84
Altered and created new. 272 273 274. 279. 280
Limitation of vses. 278
Couenants to alter and raise vses. 279. 280
Prouiso for discontinuance of vses. 281
A libertie by vse to make leases.
Cease vpon discontinuance. 83. 84
In consideratiō of debts. 267
Feoffements to vses. 259
trust to vses. 289. if sureties be saued harmeles. 261
For want of issue to cease. 99
Limitation thereof. 278
Recouerie to vses 81
Stand seised to vses. 84. of Leases. 74
A scedule limiting vses. 262 263
Declared by Testament. 277
Diuers clauses touching vses. 84
Prouiso for feoffor in vse to make annuities and iointures. 276. & leases. 275. 282

Warrants.

TO pay annuitie. 579
For royall assent. 573
For election of a Bishop. 572
For a Bucke.
Dormant. 575
To arrest a fugitiue. 578
To returne a Jury. 580
To pay money. 570
For the peace. 577
To make replevin. 581
To take a vagabond. 579

VVarrants of Atturney.

To prosecute actions. 543
To reuoke Administration. 544
To deliuer a lease. 530
To make leases. 538
To receiue possession 541
To release a Prisoner. 542
To deliuer and receiue Writings. 540
See letters of Atturney.

VVills and Testaments.

Perfect formes thereof 642. 643. 644. 645
Codicils before and after Wills. 648. 649.
Doubts in Wills resolued by executors. 646
A gift to performe a will. 424
To bind lands by will. 641

Instru-

Instruments added concerning Merchants affaires.

A Charter party. 655
A Charter partie in an other forme. 656
A sale of a fourth part of a Ship. 657
A sale of a Ship. 658
A bill of lading. 659
A bill of Exchange. 660
A bill of credit. 661
A protest. for not accepting a bill of Exchange. 662
An assurance for goods in a Ship. 663
An assurance upon the life of a man. 664
An Obligation for Money in French. 665
An Obligation where the constituter is charged for the debt. 666
A Cession or a reckoning of an account in French. 667
A Procuration by a Merchant to a Factor. 668
A covenant by a factor to returne Merchandises. 669
A procuration to recover and receive debts. 670
A procuration for recovery of a debt beyond Sea. 671
A certificat of depositions of witnesses, with a procuration annexed. 672
The like certificate in another forme. 672
A constitution of Merchants of a factor to deale for them. 673
A substitution by him to whom a procuration is made. 674
A revocation of a former substitution. 675

FINIS.

THE FIRST BOOKE OF SYMBOLEOGRAPHY, DESCRIBING THE Method and forme requisite to be obserued in making of Instruments extraiudiciall.

What Symbolæographie is.

SYmbolæography is an Act or cunning, rightly to forme and make written Instruments. Sect. 1.

Symbolæography is either iudiciall or extraiudiciall.

Symbolæography extraiudiciall, is the first part thereof, which is altogether occupied in the description of such Instruments, as concerne matter not yet iudicially in controuersie.

Which bee of two sorts, namely, Instruments of agreements, or Contracts, and of Testaments or last Wills.

For the easier vnderstanding whereof, before we take in hand to describe them, it seemeth conuenient in some sort briefly to peruse and set downe the generall natures of Contracts and last Wills, and of such Obligations in law, as they bréed the stuffe or matter (whereof such Instruments are to be made:) beginning with Obligations.

Obligations.

The definition or description of Obligations, and the causes thereof.

AN Obligation therefore is the second head, in which the right of persons is seene: all whose substance consisteth not in this, that it should make any body or seruice ours, but to binde another to vs, to giue, doe, or performe some thing. Sect. 2.

Hereupon an Obligation is defined, the right of a person by which he hath another person bound vnto him, to pay that he oweth.

And it standeth in this point, that some thing be done or performed: And the same either a thing or a person, and either the thing it selfe, or the interest or damage, or both together.

And all the doctrine of Obligations consisteth either in making of an Obligation, or in the dissoluing of the same when it is made.

The constitution or making of an Obligation resteth in the causes and manner of making thereof.

The supreame cause (which is also common to all other effects of law) is right, the inferiour cause thereof is the act of man, which rather giueth occasion of the Obligation, than inuceth the same.

For although to the making of Obligations, the mind and will of man be very necessary, yet thereof ariseth the Obligation, not for that a man willeth, but for ỹ right and fact granteth such obligation to arise: and on the other side it happeneth often, that a man will not be bound, and yet neuertheleſſe is bound if hee commit any such thing by which right will haue him to be bound, as in Obligations with offences.

Right therefore is the chiefeſt cause of Obligations, the fact of man the remote cause, ſine qua non: that the principall cause, this the secondarie.

And therefore it is termed the bond of right, or law.

Of Obligations, some be simple, and some be mixt.

A simple or single Obligation is that which leaneth vpon right only, that is naturall right, or ciuill right only.

Which is so either naturall or ciuill.

The naturall Obligation is that whereby a man is bound to yeld that only which he oweth naturally: and that is also called the right of the law of nations.

A ciuill Obligation is whereby a man is bound by ciuill Lawe, to render that which he ought ciuilly.

A mixt Obligation conſiſteth of both laws, naturall and ciuill.

In euery Obligation the one is called the creditor, or obligée, the other the debtor or obligor: and by diuers other more speciall names, according to the sundrie formes of Obligations and Contracts: as feoffor and feoffée, leſſor and leſſée, grantor and grantée, donor and donée, vendor and vendée, &c.

The creditor is he to whom any thing is due by Obligation.

The debtor is he that is bound.

Such is the diſtinction of obligations by the efficient and originall cause thereof.

Of the Fact of Man.

Sect. 3. NOw the fact of that person, and the person himſelfe, are to be conſidered. The fact is the couenant or agréement, or the effect, which two are the only way making Obligations.

The person is hee which either agréeth or offendeth, and beſide him none other.

And both may be bound either mediately or immediately.

Immediately if he which is bound do agrée.

Mediately

mediately, when it hee which by nature differeth from him, but not by law, whereby as by some bond hee is fained to bee all one person, both contract or offend, of which sort in some cases bee those which bee in our power, as a wife, a bondman, seruant, a factor, an Attourney, or Procurator, exceeding their authoritie.

Of Couenants and agreements, and who may make them.

A Couenant is the consent of two or more, in one selfe thing, to giue, or to doe somewhat. Sect. 4.

This consent is here of them, which both by nature may consent, and to whom it is by law permitted to consent.

For all which by nature can consent, cannot also consent by law.

But all may consent of what sex soeuer they be, male or Female.

But age hindreth some, and some the defect of the body, as dumbnesse, deafenesse, blindnesse, and some the defect of minde, so that they cannot consent.

Age hindreth those which be within the age of xxi. yeeres: Defect of the minde those which be of full age. And nature both, with the consent of law, but not all after one sort.

Infants which vnderstand not what is done, can therefore neither make Obligation, nor Couenant, either ciuill or naturall, which may take beginning at their persons, Except such as be of the age of discretion, that is, males of the age of xiiij. yeeres, and females of xij. yeeres, which may couenant and be bound in some cases, as for necessary food, rayment, schooling, instruction, and mariage, &c. or as executor to another, Doct. Stud. lib. 2. cap. 27. Minor.

The vice or defect of the minde, as Madnesse, Lunacie, Ideocie, hindreth the making of Agreements and Contracts. Furiosus. Lunaticus. Ideota.

Of Consent true or feigned, or in deed and in Law.

FVrthermore, the consent in Couenants, is two wayes considered: the one as it is true or feined, the other as it is pure or conditionall. Sect. 5. Consensus verus.

I vnderstand that to be a true consent, which commeth vnto the fact of man, appointed vnto that end, that by the same he may be said to consent: of which sort it is, almost in all Couenants. And this true consent is sometimes expressed, and sometimes concealed, or implyed.

A true consent expressed is that which is declared by word or deed: by word, either uttered by mouth, or shewed by writing or messenger.

The consent secret, or concealed, is, when one doth consent by not dissenting: whereas in the meane time hee might haue hindred that done, if he had disagreed.

So that an expresse consent is alwayes in deed, and a secret consent in Law.

For they, betweene whom there is nothing expressly agreed, concerning the nature and essence, which a couenant hath by Law, are understood secretly to consent to the nature of the Couenant which is appointed by Law.

Fictus consensus. The fained consent is by Law for some fact, when the consent of both parties appeareth not, and yet in as much as the fact is done, they are by Law both feined, and deemed to consent, for the nature and reason of the busines, which is betweene them both.

In a true consent wee make choise with whom wee will couenant: In a feined consent wee happen vpon him casually: In the true consents our wils conioyne vs: In the feined, fortune, or rather Gods prouidence. In true consents wee begin at the fact of man: In the feined, at the Law.

Of pure Obligations and Couenants.

Sect. 6. And as farre forth as the consent is either pure or conditionall, so farre forth by that qualitie some Couenants and Obligations bee pure, and some other conditionall.

Obligatio pura, pure Obligation is that, which is, and hath being forthwith, not being suspended or stayed with any Condition.

Which sometime is pure simply, when the agreement is such, that by force of the Obligation it may by and by bee performed with effect: Sometimes pure after a certaine manner, and that by the adding to of time certaine, vnto which not the Obligation (which alreadie is made) but the performance thereof is deferred.

Of conditionall Obligations or Couenants.

Sect. 7. A Conditionall Obligation is that which is deferred to some chance, whose whole effect resteth in this, that if the Condition happen, it may be drawne backe to the very time of the agreement, and be holden, euen as the agreement had beene originally pure.

But it behoueth the Condition to be possible in deed and in Law, otherwise the agreement is void.

Of bare promises.

Sect. 8. Consensus solus. Policitatio.

A Consent in couenant, is sometime alone, and sometime with cause. A sole consent consisteth in promise and agreement.

A promise is a couenant offered by one freely, which is of none effect in the Law to produce an Obligation, if there be no cause why it should be done.

Of bare agreements.

Sect. 9. Factum & placitum, vel pactum nudū.

An agreement by sole consent, is a couenant consisting within the bonds and limits of his pleasure that maketh it: And therefore it is called with vs Nudum pactum, which of his own nature bredeth no obligation. As if I. D. promise to pay x. li. to P. L. not hauing quid pro quo 9. H. 5. fol. 14. For if a man promise to doe or make any thing, and no agreement being made what he shall haue for his labour, it is Nudum pactum, 13. H. 6. 36. Of which sort bin all naturall obligations: as recompensing, requiting, and other bare promises without lawfull consideration.

Of Contracts.

Sect. 10. Consensus cum causa.

A Couenant or agreement which hath a cause, is termed a contract, which is nothing else but an agreement with a lawfull cause or consideration. Doct. and Stud. lib. 2. cap. 24.

A cause is a businesse which being approued by law, maketh the obligation rise by the contract, and the action vpon the Obligation.

Contractuum distributio.

There are two principall heads to bee obserued in the learning of Contracts: the one pertaineth to their substance or nature, the other to their adiuncts or accidents.

The substance of Contracts.

Sect. 11. Materia & forma contractuū

The substance of all contracts consisteth in consent, as their matter, and in the cause or businesse as their forme.

Yet that consent which is common to all contracts also distinguisheth them, and that by the diuersitie of the manner of consent which is vsed in Contracts.

For consent is sometimes vsed indeed, and sometimes fained, as in law: so of contracts, some be true, and some be fained.

Contractus verus.

True Contracts, be contracts hauing a true consent obtained to that ende that the contract may bee made, and thereof an Obligation or bond.

Which true consent is alwaies interposed of both sides, whether it be expressly or secretly: insomuch that if there bee any error or deceit in the consent or thing, for which the contract is entred into, that contract is either made altogether none, or of none effect.

Therefore the true contracts be those, which are by mutuall consent of both parties: which consent is therefore interposed that the contracts may be, and that either both or the one may be bound therby, and both these things euen from the beginning.

Contractuum effectus.

But if you marke the end and effect of contracts, there is no difference amongst them at all, but all equally, as well fained, as true contracts breed obligations, which obligations so bred bring forth actions.

Contractuum causa cõmonis

Againe, true contracts be distinguished by their cause, which is common to them all in generall, namely that in all contracts, some thing bee giuen or done: but in some, law hath set and distinguished the busines or cause in certain limits, in which it hath forsaken ỹ common nature.

And an act so long as it appeareth not, whether it may be referred to any certaine busines defined within certaine limits, or no, is left in his generall kind, & that common nature: as for example, when I giue I. S. money that hee may giue me some thing of his. In generall certes this contract is I giue, that he may giue. But when law hath severed and defined by certain notes this busines, wherin a certain price is giuẽ for a certain thing, and hath giuen thereunto a peculiar name, it may be called buying and selling. We are not now to looke backe to the generall name, I giue that I. S. may giue, but to the lowest species or kind that is buying, selling, & the nature thereof. But if I giue thee a thing that thou maiest giue me a thing of thine, that act or busines abideth in the generall name, I giue that thou maist giue, because the law hath set downe no certaine contract whereby one thing (other than money) may be giuen for another, neither truly by nature could certaine names bee giuen to all and singular businesses, for that they be infinite: but words or names be infinit, and circumstances diuers.

Yet profit and the frequent vse of certain businesses, hath brought to passe that a certaine forme and name might be, and also is giuen vnto them.

Hence of true contracts, some be named, and some vnnamed.

Of named Contracts.

Sect. 12.

Contractus nominati.

NAmed contracts be those, which haue a cause by Law defined, and they are called by proper names.

The same also be termed certaine, because they are certaine in their forme, certaine in their number, and briefly certaine in their name.

Besides these all the rest are vncertaine, as staying in that their generall appellation or name.

And it is to be vnderstood of named contracts, which is said in the rules of contracts, that in a perfect contract there is no place for repentance,

tance, that is, that a man cannot ſwarue from a Contract named perfect, either partie being vnwilling, nor except all things bee wholly reſtored, but that the ſame muſt altogether bee conſummate, and either the thing contracted be performed, or if that cannot, in ſtead thereof the intereſt or damages thereof.

And though thoſe contracts only be named which haue receiued both name and forme of our Ciuill Law, and therby it is to be eſteemed, whether they may be ſaid to be contracts named or vnnamed: yet haue they not all one ſelfe beginning. For ſome be ſaid to be of the Law of Nations, and ſome of the Ciuill Law.

Of Contracts of the Law of Nations.

Sect. 9. Contractus. Iuris gentium.

THoſe Contracts be of the Law of Nations, which haue their cauſe by the Law of Nations, receiued with all men, but haue receiued their certaine forme and certaine name from our Ciuill Law.

Which be twofold, for certaine are made by the thing, and certaine by conſent.

Verily there be diuers ſuch Contracts that may bee made vpon ſome thing, neither is there any wherein it is not needfull that conſent bee: but the ſame in ſome maner, and in ſome ſelfe.

Contractus rei.

As touching thoſe that are preferred by the thing, the matter ſtandeth thus, that their cauſe (that is to ſay) giuing, conſiſteth in this point, that it behoueth the thing alwayes to be preſent, and neceſſarily deliuered to perfect the Contract. But in other Contracts, albeit they be made concerning ſome thing, yet it is not needfull that the thing bee preſent, but it may bee in one place, and the Contract celebrated and perfected in another. Whereby it happeneth that the Contracts perfected with the thing, and the thing it ſelfe whereof the Contract is, and the very Contract it ſelfe, are oftentimes called by one ſelfe name, which is otherwiſe in other Contracts.

Contractus reales.

Here hence we may define reall Contracts, to be Contracts whereby the thing being deliuered and accepted, we are bound to the reſtitution of the ſame thing, but if that cannot be, the value or intereſt thereof.

Whereof there bee two kindes, the one conſiſteth in loane and lending, the other in diſpoſition and gaging.

Lending is reſpected in the thing, and without the thing.

In the thing is conſidered, either ỹ propertie therof, or the vſe therof.

The propertie of the thing is transferred in loane by deliuerie vnto him which borrowed it.

The vſe of the thing in commodation, is applied vnto him vnto whom the thing is lent.

Without the thing, is the keeping and the securitie thereof, called Depositum, which is a thing left in another mans keeping, and this is termed a pledge, gage, or pawne.

To all which foure kinds this one thing ought to be common, that they be free without vsurie and price: for if any price or thing be giuen therefore for them, they degenerate into the nature of other contracts.

Of Mutuation or Lending of things which cannot be restored.

Sect. 14. Mutuatio.

LOane or lending, Mutuatio, is a reall contract, whereby we so giue a thing consisting in quantitie, that hee which receiueth it, may render the same againe to the lender, in kind & nature, but not the selfe-same thing indeed: the thing that is lent, is properly called Mutuum, he which giueth, the lender, & he which receiueth, the borrower.

Mutuatio.

In loane termed Mutuum, the lender must be owner of the thing lent, and also in deliuering of the thing, he must conuey the propertie thereof vnto the borrower: because things so lent are so giuen to be vsed, that they cannot be vsed, except they be consumed. And it is therefore called Mutuum, quasi ex meo tuum fiat, Doct. St. li. 2. ca. 28.

Mutuum.

But no other things may be giuen in loane, but those onely which consist in quantity, that is, those which are wont and may be numbred, weyed, or measured: as money, corne, wine, cheese, lead, &c.

And those may receiue function in genere, that is, one may be, and also truly is vsed for another, that although that the thing restored is other than that which was receiued in specie infima, seu individuo, yet in that, that a thing of the same kind, goodnes, and qualitie is rendred, it seemeth to be altogether the same.

In loane therefore the same quantitie and qualitie doe cause that thing being diuerse in individuo, to be all one in genere. Hence it is that the same things are restored that we lent, not in individuo, (because that single thing that was lent cannot be restored, for so much as it is consumed by vse: or if it be not consumed, yet the propertie thereof is conueyed vnto the receiuer) but in kind and goodnesse.

Number is attributed to money &c. Measure, to corne, wine, oyle, &c. Weight, to cheese, lead, and such like of the same sort.

Of Commodation or lending of things which may be restored.

Sect. 15. Commodatio.

COmmodation is a contract reall, whereby any thing is granted freely to be vsed of any one, that euen the very selfe same thing in deede may be restored, and not in lieu thereof another of the same kind, as a horse, a booke &c. Doct. & Stud. li. 2, cap. 28.

The

The thing lent is called Commodatum, the lender Commodans, the borrower Commodatarius.

But Commodatum, is properly, when a thing is deliuered to an vſe and purpoſe certaine, which at the laſt being ended, it ought to be reſtored, and not before.

Sect. 18.

For if the thing be ſo deliuered to be vſed, that it muſt be reſtored to the lender whenſoeuer it ſhall pleaſe him, then it is termed Precarium, or a loane at will. Precarium.

Of Depoſition or leauing with another.

Sect. 16. Depoſition.

DEpoſition is a contract reall, in which a thing mouable is ſo deliuered to be kept, that the ſelfe ſame thing be reſtored when ſoeuer it ſhall pleaſe him that ſo leaueth it, Doct. St. lib. 2. cap. 28.

The thing left is called Receptum, Commendatum, or Depoſitum, the leauer, Deponens, the receiuer Depoſitarius, the keeper thereof. The nature of this Contract is in the free keeping of the thing left, and neither in the vſe, nor abuſe thereof.

This keeping is either of a thing Litigious, or not Litigious, the thing not Litigious is properly that which we call Depoſitum, which is ſometimes left of ſet purpoſe, and ſometime through vrgent neceſſity, as in theſe three caſes, of ruine, ſhipwracke, and burning.

Of Sequeſtration.

Sect. 17. Sequeſtration.

THe keeping of a thing Litigious is called Sequeſtration, which is therefore defined the depoſition of a thing in controuerſie.

Which is conuentionall or iudiciall. A depoſition conuentionall, is made with the wils of the parties betweene whom the controuerſie is.

This doth take the poſſeſſion from the parties in controuerſie, and giueth the ſame to the Sequeſter, or indifferent man, to thend he may deliuer the ſame to him that recouereth it, except perchance it be expreſly ſo agreed, that the Sequeſter ſhall only detaine and not poſſeſſe it.

A iudiciall Sequeſtration is made by the authority of a competent Magiſtrate, euen againſt the will of both, or one of the parties.

Sect. 19.

This taketh not away the poſſeſſion, but becauſe it is doubtfull, it leaueth it in ſuſpence, vntill the parties bee either friendly agreed concerning the ſuit, or it be declared by iudgement, who is and ought to be poſſeſſed thereof.

Sequeſtration iudiciall ought not to be made, but vpon vrgent cauſes, as to auoid fighting and breach of poſſeſſion, or the deſtruction of the thing Litigious bee feared, or the partie ſuſpected ſhould

fugitiue

fugitiue or insufficient, or if there lies any other danger in delay: But depositiō of things moueable only, and sequestration may be of things immoueable.

Of Pledging and Gaging.

Sect. 18. A Pledge is taken sometimes generally, and sometimes specially, and both of them are sometimes of the couenant, and sometimes of the thing which commeth into the couenant, Doct. St. li. 2. ca. 28.

Pignus. Pignus generally taken, is a couenant by which right is appointed to the creditor in the things of another man, that his debt in him may be so much the surer: which verie right is not seldome called a pledge, so that a pledge may be of the couenant, or of the right of a thing, and briefly of the thing in which that right is appointed.

Hypotheca. And a pledge is either proper or improper: An improper pledge is called Hypotheca, which is of a thing not deliuered, which is made and perfected by couenant only. As in clauses of distresse, clauses of nomine penæ, and other penalties for not performing of couenants, &c.

It is either expressed or implied.

Expressed is that, when it is expressly agréed, of what thing it should be, as a clause of distresse for rent charge.

And this is always by expresse consent of the parties only.

An improper pledge implied is that which is induced by the Law alone, yet by some occasion thereunto giuen by some act of man, which is not principally, and by the will of man appointed to make a pledge: although that by that thing which is done, the man doing it is presumed to agrée to the pledge: as when goods bee brought into another mans land, liable to the distresse of a stranger, for rent or other moueable things bound by the operation of Law.

A pledge so termed specially, is a pledge deliuered to the creditor sometimes to the debtor, and sometimes by a Magistrate.

Of Pledges necessarie or voluntarie.

Sect. 19. And therefore a Pledge is either necessarie, or voluntarie, or conuentionall.

A necessarie pledge is that which is receiued by compulsiue authoritie of a Magistrate.

A pledge voluntarie or conuentionall, is a pledge deliuered by the couenant of both parties.

A pledge is euer of the debtors owne things, namely of such as may be bought and sold.

For

For the gaging of the goods of another man is void, if it be not with the will and consent of the owner thereof.

And a pledge may be pawned to another, yet subiect to the first condition, for prior tempore est potior iure.

Fruits and things growing may be pledged.

Of pledges generall and speciall.

AND a pledge may either be generall, which is of all a mans goods. Sect. 20.
Or speciall, which is of some part of them only.

And all the right of pledges or gages, consisteth in the security and assurance of the thing due to the creditor. Do. Sub lib. 1. cap. 28.

Of Contracts by consent.

SUch bee the Contracts by the law of nations which are perfected Sect. 21.
with the thing. Those which are perfected by consent do follow.

And obligations arreeting of these are said to bee contracted by consent, not because these alone haue consent in them, but for that to their perfection, the presence of the thing whereof the contract is made, is not desired, nor words nor letters, but sole consent sufficeth, which yet many times is interposed with the thing, & by the acte is thereof perfected.

Hereupon contracts by consent are defined contracts, hauing cause placed in sole consent, to this end and intent, that a businesse certaine may be done.

And these contracts by consent are partly in the thing, and partly about the thing.

In the thing, namely either of the property, or of the vse thereof.

About the thing, as of communication or fact.

Of buying and selling.

COntracts of properties are buying or selling: Of vse, are letting, Sect. 22.
taking, or hiring: Of communion, societie: Of fact is commandement.

And buying and selling Emptio, venditio, is a contract by consent of Emptio. Venditio.
the hauing of a thing, by or for a certaine price.

In which he that must deliuer the thing is named the seller, and hee that ought to pay the price thereof, the buyer.

The substance of this contract consisteth in the thing sold, and in the price thereof.

What

What things may be sold.

Sect. 23. ALL things may bee bought and sold whereof a man may haue propertie or owner ship, as horse, kine, &c. corne growing vpon the ground, Tithes not seuered, 21. E. 3. 11. 21. H. 6. 43. hay growing 27. H. 8. 25. 11. H. 4. 32.

All goods, chattels immoueable, bondmen, and other things not being by law prohibited (as stolne goods, houses, in Scotland freemen) may be sold.

Also a man cannot buy his owne goods.

Pretium. The price in buying and selling in mony.

Permutatio. For one thing giuen for another, is not price, neither if it so happen, it is buying and selling, but exchanging, Permutatio.

The price is certaine when it is either expressed in the bargaine, how much it is, or ought to be. Or if not certainely expressed, yet some relation is made to some thing, whereby it may be made certaine. As if the vendor saith, he selleth it for so much as he bought it, or for so much as I. S. shall arbitrate: all this certaine enough till I. S. haue denied to declare the certaine price thereof, 14. H. 8. 19.

Of payment and deliuerie of things sold.

Sect. 24. THe paiment, all thorough, and deliuery of the thing sold are effects of buying and selling, but not the very substance thereof 14. H. 8. 19. for buying and selling is perfected, by the certaine appointing of the thing to be sold, and the taxation of the price thereof, with the mutuall consent of the buyer and seller, which consent in and about one selfe same thing worketh all.

Of letting or hiring.

Sect. 25. LEtting and hiring, locatio, conductio, is a contract by consent of the making or doing of some thing for a certaine rent, hire, or wage.

He which letteth, lesseth, or setteth any thing to be made or vsed, is called properly Locator, the lessor or letter: He which taketh or hireth it, Conductor, the lesse or hirer.

Letting and taking is either of a thing, or of the diligence of man.

And all things which may be bought and sold, may also be letten except such only as consume by vse. As corne, wine, oyle, money, and such like, which may not be letten: But houses, and land, and quick beasts, as sheep and oxen which by nature yeild increase, may be letten.

The letting or hiring of a mans labour, is as it were the vse of a man in the making or doing of some thing, As is the making of an house

house, a cloche, a garment, in doing of a dayes worke by a labourer &c. Or the vse of an house, of lands &c. for life, yeares, or at will for certaine rent.

Of Societie, Communion, or Fellowship.

SOcietie is a contract by consent about a thing to be had and vsed in common on both sides. Sect. 26. Societas.

And the societie or communion of things may happen betweene many of diuers causes, of which two be most principall: One by hereditary discents or executorship: As when lands discend to heires or copartners, or when a man maketh diuers executors, or administration is committed to diuers. The other, when a thing is purchased or gotten by diuers, by gift or legacie, or some other such single title.

But that only is properly called Societie, which by mutuall consent is applied to that end, that there may be partnership or fellowship amongst the persons contracting: wherein so some as they are fully agreed, the one is properly called the others fellow.

And the same societie is in the goods and things of all the companions, or of one, or of some of them onely, and in the labour to bee done by them all, one, or some of them, about such goods or things. And againe, in communicating of gaine and losse after the putting of such things in fellowship, or barter, and performing of the labour thereabout.

So in Societie are regarded the goods or things of which the communion is made. And the diligence and labour to be imployed in and about them. And the damage or profit which of them both, or by the occasion of them, or of the same societie contracted, may grow or arise.

And the whole doth consist in negotiation, as in buying, selling, traffique, or merchandize.

Of a Societie generall or speciall.

SOcietie in respect of goods, is either generall or speciall.

A generall Societie of goods, is of all goods: which contract hath this one thing peculiar vnto it selfe, that so some as the partners are agreed thereupon, all their goods are by law common, in propertie and vse to each and euerie of them, without deliuerie of any part thereof to cause a propertie. Sect. 27.

A speciall societie of goods, is of certaine goods onely, and the same either

either one thing onely, as of an horse, ore, &c. to be bought: Or of some certaine kinde of merchandizes, or wares, or other things, as corne, oyle, spices, beasts. &c.

Againe, the generall societie of goods is so of all, that it extendeth to all things of the partners or fellowes. But in the speciall societie of goods, it may be that thone only conferreth the goods, and the other no goods, but bestoweth onely his labour and diligence, which then is in stead of goods.

For labour is oftentimes of as good regard as money, yea and sometimes much better, which causeth, that euen the poore being industrious, may haue fellowship with the rich.

Therefore in generall societie of goods, the one of the partners sometimes yeldeth more goods, & the other lesse, the want wherof is intended to bee supplied by the other parties labour and diligence, all which dependeth vpon the agreement and will of the parties thereunto.

Of Gaines and Damages.

Sect. 28. Lucrum. Damnum.

GAine is that which remaineth when all damages and expences which the principall or goods put in barter, are deducted.

Damage is that which wanteth when the expences are drawne from the principall, or things put in barter or fellowship.

Of Commandement or Commission.

Sect. 29.

A Commandement or Commission, Mandatum, is a contract, by consent to doe something gratis or freely.

He which commandeth is called Mandans, or Mandator, hee which is commanded may be called Mandatarius.

Commandements or Commissions doe properly rest in the deed, and not in the thing, albeit the thing doe sometimes come vnto the fact.

And that fact commanded is either in iudgement, or out of iudgement.

A Mandate or Commandement therefore is either touching some controuersie, or the doing of some other businesses.

And euery Commandement is generall or speciall. And the generall either with free administration, or without it.

And the other person so commanded may bee termed an Attourney, Proctor, Procurator, Steward, Bailife, Factor, Ouerseer, or Gouernor,

uernour of other mens businesses.

For an Attorney is hee which administreth, or doth another mans businesse by the commandement of the owner thereof.

If the party commaunded haue any thing for his paine, it is not then properly commandment, but Location and conduction.

These mandatories contracts are determined by death or will, of either of the contractors, if the deed be yet undone.

By death naturall.

By the will of the parties, as if either the Commaundor renoke his mandate: or the party commanded renounce and refuse to execute the same.

Of Contracts named of the Ciuill Law of Stipulation.

Such are contracts named of the law of nations. Those follow which are of the ciuill Law, which contracts are either made by word or writing. Sect. 30.

Stipulation is a contract made by wordes onely, by an Interrogation or question proceeding, and a fit answere to the same following, for the giuing or doing of some thing or businesse: as, giuest thou? I giue: wilt thou doe this? I will: which is no binding contract in our Law, if no lawfull consideration precede, but Nudum pactum, of which before.

Of Contracts by writing.

The other contract of Ciuill Law is made by writing, as the former is made by wordes. And that rather for the declaration and proofe of the contract before made, than for the essentiall making of the same. Sect. 31.

For a written Bond, is a contract whereby any man confesseth himselfe by his writing orderly made, sealed, and deliuered, to owe any thing vnto him with whom he so contracteth.

And if the thing were due before the making of such writing, then such duetie, when such writing is so made, is due both by the cause for which it became so first due, and by such writing, wherein it is so described: by the first naturally, by this ciuilly. And if it were not due before, then it was not doue ciuilly, by vertue of the writing only.

Neuer-

Neuertheleſſe it is to be noted, that by accepting of writing of a Preceident Contract, or of any part thereof of the partie, the Contract precedent is altogether determined thereby, 3. H. 4. 17. 29. H. 8. but not if a ſtranger be bound, 29. H. 8. for no contract can bee apportioned or diuided, 9. Ed. 4. 1.

Obligations and Contracts doe not forthwith ſpring of all kinde of writings mutually giuen by the parties, for ſome are made onely for the teſtimonie or memorie of things done, to the end to preſerue them, and win credit vnto them, but not to the end to procreate or breed any bond or contract, as hiſtories, priuate inuentories, priuate notes of remembrance, certificates &c.

But if I. S. by his writing duely ſealed and deliuered confeſſe himſelfe to owe to T. N. v. li. the preſe that he made the ſame bond, maketh him debtor of ſo much, albeit there was neuer any other contract therof betweene them, but ſuch writing only: neither is it neceſſarie that the creditor proue any more, but onely the deliuerie of ſuch bonds or writings thereof.

Of namelеſſe Contracts.

Sect. 32. And true Contracts named, be of ſuch ſort: beſides which, all the reſt be vnnamed, which bee true Contracts, hauing no certaine name by the Ciuill Law, and yet containing in them a ciuill buſineſſe, whoſe forme is generall, not defined within any certaine limits.

Of which ſort bee all thoſe contracts, of which it is either doubtfull, or elſe certaine that they can bee referred to no Ciuill Contract named.

A Ciuill buſineſſe is, if any thing bee to bee giuen or done for ſome cauſe.

Of theſe vnnamed Contracts there be two kindes, the one may bee termed a Contract vpon the cauſe or permutation.

A Contract vpon the cauſe, is a Contract vnnamed, made by conſent wholly for ſome lawfull conſideration, when ſome thing ought to bee giuen or done, or not to bee giuen or done, as aſſumption and oathes. Aſſumption is made for the moſt part with ſuch words as I giue thee that, that thou giue or doe that: or I do this that thou ſhalt giue or doe that. As if I. S. receiue of D. D. an horſe or any other thing, and promiſe in conſideration thereof, either to deliuer the horſe ſound againe, or fortie ſhillings: or if I. S. giue D. D. ten ſhillings, in

consideration that he shall giue him some other thing, or do some act for him.

These contracts in respect of the sume certaine expressed, resemble the contract of buying and selling: And in respect of labor to be taken about the doing of the fact, they counterfeit Location, and conduction by reason of the wages: which if it were not set downe, they would represent commaundements, which neuertheleſſe fully iumpe not with any of those three contracts named, neither may they rightly challenge any of their names.

Of Permutation or Exchange.

PErmutatio, Permutation is a nameleſſe contract, consisting in the thing and consent, by which one certaine thing is giuen and exchanged for another, as an Ore for an Horſe, or bread for flesh &c. which name of Permutation, although it seeme fit for this businesse, yet it is rightly termed a nameleſſe contract in Law: For albeit it counterfeit buying and selling very neere, for that either thing giuen in exchange resemble both the wares and the price, yet because it cannot bee discerned thereby whether is the buyer, and whether the seller, it cannot vsurp that title. Sect. 33.

And so those contracts of the Caſe, Assumption, and Permutation, be therefore said to bee nameleſſe, because their appellations or names bee so generall, that no one named contract is able to comprehend them, yet is the knowledge thereof wonderfull necessarie for the apt framing of Instruments.

Of improper Contracts.

TRue or proper contracts are so described: contracts improper or feined succeed.

A contract improper, is a contract made by a consent feined by the law, for some deed happening in the same, that is to say, in the which there is no manifeſt certaintie of both parties consent: but yet according to the reason and nature of the businesse, a consent is by law feined to come on both sides, as the administration of anothers businesse without requeſt, and gardenship, the communion of things, as amongſt Iointenants, Coparceners, tenants in common, ioint executors, and ioint administrators, ioint legataries or donees, by payment of that which is not due, the receiuer is bound to make restitution, and detaining of goods in which another hath propertie. Sect. 34.

Of Contracts mediate and immediate.

Sect. 35. THere be also Contracts of the fact: and a fact cleaueth to the person, and is in it, from which it is neuer separated: but the right which resembleth and ariseth of the fact of the contract, namely the obligation, may be gotten to another than him that made the contract.

And sometime it commeth to passe, that one man bargaineth, and another man obtaineth the Obligation, whether that other bee bound, or another by the same contract be bound to him.

An Obligation by contract is gotten either mediately or immediately.

Immediately, by a mans owne proper contract.

Mediately, where the contract is made by another, As a Contract made by the wife with her husbands commandement, consent, or assent, 20.H.6.22.29.H.8.fol.25.21.H.7.fol.40.14.H.7.2.R.2. or by a Baily knowne, 27.Ass.pl. 5. or by his Seruant, Factor, or Attourney, 8.E.4.fol.11. 22.Ed.4.fol.6.

Of the adiuncts of Contracts.

Sect. 36. WE haue hitherto spoken of those things which pertaine to the constitution of the very substance of Contracts: their adiuncts follow.

Of which adiuncts some be interne, and some externe.

Of which some bee Contracts bonæ fidei, others bee stricti iuris: Those bee contracts bonę fidei, by which that is performed which seemeth equall and good, although it was not once thought of by any of the parties at the making of the contract.

Of which sort bee accommodation, disposition, pledges, buying, selling, letting, hiring, societie, commandement, permutation, assumptions, and other contracts vpon the case, gardenships, doing of other businesses, communion of things hereditarie, and all other communions.

Contracts of the strict law, are those by which that onely is performed, which is expressly conuenanted.

Of which kinde be lending, and all other besides those aboue mentioned, In these the rigor of the law, in those equitie ruleth. Sundrie other Contracts there be of this kinde, which to auoid tediousnesse I pretermit.

Externe adiuncts be those, which are so in the contract, that they may also be absent from it: but in it only then when it is so conuenanted.

For but that it is so conuenanted, they would either altogether not

be

be therein, or if they were therein, it should be by the only authority and disposition of the law.

Of these externe adiuncts, some may bee adioyned to euerie contract which are called common, and some proper to certaine contracts only.

Common externe adiuncts, be couenants, accessions, and delayes annexed to contracts.

Of adiuncts, some adde some things vnto the contracts, some take some thing from them.

Adiuncts which adde some thing to contracts, are penalties, warranties, or other securities.

Adiuncts taking from contracts, be such as diminish the price agreed vpon in the beginning.

Of Accessions to Contracts.

ACcessions, Accessiones contractuum, to contracts be those things which are required beside the principall things themselues, whereof the contract is made: As all costs and damages, fruits growing by occasion thereof, or limitation of circumstances of time, place, person, &c. to performe contracts. Sect. 37.

Of Delayes.

DElay (Mora) is that lingring or prolonging of the performance of Contracts, which happeneth by the slackness either of the creditor, or debtor. Sect. 38.

Much more might haue beene said of those contracts and offences, of which Obligations spring and arise, all which we willingly haue omitted, as not much necessarie for our present purpose. In this discourse of contracts necessarily (as we thinke) we are in like manner to entreat briefly of estates, possessions, and properties, by which, things are conioyned vnto persons.

Of Estates and properties vniuersall, and fee simple.

AN estate, Status, dominium, proprietas, is that right and power whereby we haue the propertie or possession of things: that is, whereby we be owners or possessors thereof. Sect. 39.

All Estates be either vniuersall or particular: An vniuersall estate is an estate in fee simple, which is, when a man hath lands or other things inheritable, to him and his heires for euer, so that thereby it is perfectly his owne: and therefore we call it vniuersall, because it comprehendeth in it selfe all other estates.

Of particular Estates, and of Fee taile.

A Particular Estate is euerie estate which is not so vniuersall, and may also be said to be of two sorts, that is a particular estate of inheri- Sect. 40.

inheritance, and of a terme.

A particuler eſtate of inheritance, is an eſtate taile, or limitted, that is an eſtate expreſſing in certaine, whoſe iſſue, and of what ſer ſhall inherite, and it is generall or ſpeciall.

A generall eſtate taile or limitted, is when the eſtate limitted expreſſeth not betweene whom the iſſue inheritable muſt be ingendered: As if the gift or conueiance be to a man, and the heire or heires males, or heires females of his bodie lawfully begotten, not naming vpon what woman: Or to a woman and to the heire or heires males, or heires females of her bodie lawfully begotten, not naming the man by whom it ſhould be begotten, in which caſe, euery heire of their bodies lawfully begotten may inherite, by what wife or huſband ſo euer. Or ſhortly thus: An eſtate in generall taile is, by which any iſſue of the donees bodie lawfully begotten may inherite.

An eſtate taile ſpeciall is, when it is certainely ſet downe betweene whom the iſſue inheritable ſhall be ingendered. And this ſpeciall eſtate taile is either expreſſed or implyed. An eſtate in ſpeciall taile expreſſed is, where it is ſpecially limitted what iſſue of the donees ſhall inherite. An eſtate in ſpecial taile implyed is, where it is not expreſſed ſpecially what iſſues of the donees ſhall inherite: as by gift in frankmariage, which is, where a man gineth lands with his Daughter, or other kinſewoman, to an other in frankmariage, which word frankmariage amounteth to aſmuch, as if he had ſaid to the donees and the heires of their two bodies lawfully begotten, Littleton Sect. 17. As if the conueiance were made to a man and a woman, and the heires of their two bodies lawfully begotten: or to a man and the iſſue which he ſhall beget vpon the bodie of A. D. Now may no iſſue take ante benefite by that conueiance, but ſuch onely as are betweene them two lawfully begotten. And this maner of eſtate is properly called a ſpeciall eſtate taile: But if either of them die before they haue ſuch iſſue between them, then the partie ſuruining is improperly called a tenant in tayle, and therfore for diſtinction ſake, wee terme ſuch ſuruiuor tenant in taile after poſſibilitie of iſſue extinct.

Of eſtates of freehold.

Sect. 41. A particular eſtate which is but onely a terme, is an eſtate determinable by limitation of time, and it is of two ſorts; namely an eſtate of franktenement, or a chattell.

An

An eſtate of franktenement, is where a man hath the freehold of land, and it is either an eſtate of franktenement, created by the operation of the law, or by the act of the parties.

An eſtate of franktenement created by the operation of the law, is either by the common law, or by ſtatute. An eſtate of franktenement by the common law, is either dower, or by the courteſie of England. An eſtate in dower, is where the wife is endowed of the third part of ſuch lands as her husband had any ſuch eſtate of inheritance in, as the iſſue which by poſſibilitie ſhee might haue had by him, might by poſſibilitie haue inherited the ſame land of the ſame eſtate: for dower ex aſſenſu partris, ad oſtium Eccleſiæ, & de la plus belle, as ſeldome vſed at this day, I omit.

An eſtate of franktenement by the Curteſie, is an eſtate for the term of life of the husband in all his wiues land whom he ſurviueth, hauing had iſſue by her borne aline, which might by poſſibilitie if it had liued, haue had, and inherited the ſame landes of ſuch eſtate as the mother therein had, during the couerture.

An eſtate of franktenement by ſtatute, is either by vertue of a bond knowledged, according to a ſtatute, or by reaſon of ſome execution.

A franktenement by ſtatute, is either by vertue of a ſtatute Staple, or of a ſtatute Marchant.

A franktenement by vertue of an execution, is either by reaſon of ſome Iudgement in ſome of his Maieſties courts of Record, or elſe by reaſon of ſome recogniſance: it is when the moity of the Recogniſors lands be deliuered to the Recogniſee, to hold to him as his freehold till his debt be paied. But theſe eſtates of freehold growing thus by ſtatute, are not properly but vnproperly termed freehold.

An eſtate of franktenement growing by the act of the parties is an eſtate for the terme of a mans owne life, or for terme of another mans life: for the terme of a mans owne life, as if land be leaſed to any man to haue and to hold to him during his life.

An eſtate of franktenement for anothers life, is when lands be aſſured to him for the life of I. S. or any other than the leſſee himſelfe.

Of Eſtates of Chattels.

A particular eſtate which is onely a Chattell, is either certaine or incertaine, and it groweth either by the act of the parties, or by the law. Sect. 42.

By the act of the parties is a leaſe for the terme of certaine yeares,

hauing a certaine limitation when it ſhall begin, and when it ſhall end or determine: As if lands be leaſed to I. G. to haue and to hold to him and his aſſignes from ſuch a day, naming ſome day certaine, paſt, preſent, or to come, for vij. yeares, or any other certaine number of yeares agreed vpon betweene the Leaſor and Leſſee.

Particular eſtate certaine growing by Law, is that eſtate which the Gardian hath in his wards lands, during his nonage.

A particular eſtate incertaine, is an eſtate at will, or at ſufferance.

Of poſſeſſion in law, and in deed.

Sect. 43. AN eſtate at will, is where the leaſor graunteth his lands or other things to the leaſee, to haue and to hold to him, at the will of the leaſor.

And it is to be remembred, that eſtates may be in poſſeſſion, and out of poſſeſſion. Poſſeſſion is in law or in deed.

And a poſſeſſion in law is when the law onely is the efficient cauſe thereof, and it is either by common law, or by ſtatute. By common law, as if the father or mother anceſtor die ſeiſed of lands, the law caſteth the poſſeſſion in law vpon the heire before his entre, by force whereof he is tenant to euerie mans Præcipe: by ſtatute, is that poſſeſſion which Ceſtuy que vſe, hath in lands limited to him in vſe, 27. H. 8. cap. 10. before his actuall entre into the ſame. An actuall poſſeſſion or a poſſeſſion in deed, is when the owner entreth into the ſame indeed. An eſtate out of poſſeſſion is of two ſorts, to wit, in remainder and in reuerſion.

Of Remainders and Reuerſions.

Sect. 44. AN eſtate out of poſſeſſion in remainder, is when a particular eſtate is graunted to one man, the remainder to another at the ſame time by one deed, as if a grant be made of lands for yeares, life, or in taile, to I. D. the remainder thereof to T. N. for yeares, fee, or in taile.

A reuerſion is ſuch an eſtate depending vpon like particular eſtate, but not being created all at one time, by one deed: as if I. D. ſeiſed of lands in fee, grant the ſame to T. N. for yeares, life, or in taile, that which after ſuch particular eſtate remaineth in the graunter, is a reuerſion.

Alſo euery eſtate is either executed maintenant, or executorie by limitation of vſe, which veſteth in poſſeſſion by vertue of the ſtatute of 27. H. 8. And laſtly, euerie eſtate is either abſolute or conditionall.

Of

Of Instruments, their definition, and causes.

HAuing thus generally and briefly run ouer the doctrine of Contracts, Obligations, possessions, estates, and properties so farre forth as seemeth behouefull for the description of the seuerall Instruments of all manner of Contracts: It is now time to enter into the discourse of Instruments themselues, the very proper matters and object of Symboleography. Sect. 45.

An Instrument therefore, is a formall writing made in paper or parchment, wherein are contained and described contracts, couenants, last wils, or other facts and things of persons, for the testimonie or memorie thereof.

And first we say it is a formal writing, to distinguish Instruments from ordinarie letters, priuat notes, reckonings, and remembrances made by any for a mans owne priuat vse and memorie, and from all bookes of Arts, Historyes, Diuinitie, Philosophie, and such like.

Secondly, made vpon paper or parchment, for that, that before the inuention of paper or parchment, men vsed to write sometimes vpon boords rubbed ouer with ware, sometimes vpon stones, sometimes vpon mettall, and sometimes vpon the inner rinds of the barkes of trees: And sometimes at this day vpon tables, stones, or tallies: none of all which kinds of writings we here meane, but such only as are made vpon paper or parchment.

Thirdly, in saying that an Instrument comprehendeth things contracted: it setteth before our eyes, what the verie matters, busines, and acts be, whereof such Instruments must be made: namely of agreements and cõtracts, grants, wils, pleadings, &c. which may breed Obligations, and not of bare speeches, communications, or priuat notes.

Fourthly, the word (persons) pointeth to the efficient cause of these Couenants and Contracts.

Fiftly, that which ensueth teacheth vs the very finall cause, why such Instruments were first ordained, that is, to the end the acts and things therein comprized might both more certainely be kept in memorie, and more easily be proued: for the proofe of the Instruments onely proueth the Contracts therein contained. And therefore Instruments are a kind of proofe in all Lawes.

The forme of Instruments both plainely appeare at full, in the description of Instruments throughout the second booke, in which you may see the maner, forme, and fashion of euery kind of Instrument extraiudiciall.

Of the distribution of Instruments.

Sect. 46. Instruments therefore of their effects be either constitutiue and making, or remissorie and liberatorie.

An Instrument constitutiue, is such an Instrument vnder the proper hand of the partie as testifieth and describeth some contract of some debt or dutie to be paid, or some fact to be done or performed, as an obligation, bill of debt, &c.

And of Instruments constitutiue, some are creating, and some conueying.

A constitutiue Instrument creating, bee those whereby any estate, propertie, power, or obligation, not hauing any essence or being before, is newly raised & created, as the first grant of a rent, common, way &c. estate taile, for life, yeeres, and such like, Warrants of Attourney, Commissions, &c.

Instruments constitutiue conueying, are those by which estates, properties, or powers, being already created, are transferred and conueyed to others, As Instruments of feoffements, bargaines and sales, assignements, and grants ouer, or surrenders, confirmations, substitutions and deputations &c, by which estates, properties, and authorities are conueyed ouer to others.

And an Instrument remissorie, is an Instrument vnder the parties hand, describing and testifying some precedent contract of a debt, dutie, or fact to be paid, performed, done, released, or discharged: of which sort, be all acquitances, releases, and other matter of discharge.

Secondly, of the efficient cause, Instruments bee either publike or priuate.

A publike Instrument, is an Instrument made by publike authoritie of a Magistrate or Iudge, as all grants and charters of the K. Maiestie vnder his highnesse great seale, or vnder the seale of the Duchie, or of any of his Highnesse Courts of Record, and all deeds and charters knowledged and inrolled in any of his Maiesties Courts of Record.

Such publike Instruments of their owne natures proue the facts or contracts therein contained, and are of such and so great credit of their owne natures, that they themselues need no proofe at all.

Priuate Instruments, are Instruments made betweene priuat persons, by the priuat authoritie of the contractors themselues only, without publike authoritie, wherefore although they being proued by witnesses, or otherwise, doe proue the contracts and facts of the parties therein mentioned: yet of themselues without such proofe, they proue nothing: as deeds of feoffement, obligations, acquitance, wils, &c.

Thirdly,

Thirdly, Instruments be either of such persons as haue naturall capacitie by birth, which euery liege subiect being borne within his Maiesties dominion, hath by his nativitie.

Or by making, as euery stranger borne hath, being by act of Parliament naturalized, or made Denizen.

Or else of such as haue onely ciuill capacity, as of all Corporations or ciuill bodies, and lawfull societie, colledges, guilds, fraternities, fellowships, and companies incorporate: as maiors and cõmunalties, bailifes and burgesses, Deans and chapters, Bishops, parsons, vicars, &c. & al such as haue succession perpetuall, & take to them & their successors.

Fourthly, Instruments be either sealed and deliuered, or not sealed and deliuered.

Fiftly, of their forme also, Instruments be either polled, and single, or indented.

A polled deed, is a deed testifying, that onely the one of the parties to the same hath put his seale thereunto, after the manner following.

Sciant presentes & futuri, quod ego W.W. de R. in com' G. generosus, dedi & concessi, & hac presenti charta mea confirm' T.D. de S. in eodem com' armig', vnum mesuag', xx. acras terr' cum ptin. in R. præd' in pręd' com. G. Habend' & tenend' tenement' pręd' cum ptin' præf. T.D. hæred' & assignat' suis imppet', ad solum proprium opus & vsum eiusdem T.D. hæred' & assignat' suorũ imperpet. Tenend' de capital' dominis feodi illius, p seruitia inde prius debita, & de iure consuet'. Et ego vero præf. W.W. & hęredes mei tenement. præd' cum ptin. pfat. T.D. hæred' & assignat. suis contr' omnes homines warrantizabimus, & imppetuũ defendemus per pśentes. In cuius rei testimoniũ huic presenti chartæ meæ sigillum meũ apposui. Datũ 30. die Martij, Anno regni dominæ nr̃æ Eliz. Dei gratia Anglię, Franciæ, & Hiber' Reginę fidei defensoris, &c. 36. Anno Dom. 1594.

These deeds polled, are also termed Chartæ priuatæ & simplices, because there is only one part thereof which ought to remaine with the grantee, donee, feoffee, leasee, &c.

And poll deeds may begin thus, Omnibus Christi fidelibus ad quos præsentes literę peruenerint. W.W. &c. salutem in domino sempiternam. Sciatis me præfatum W.W. &c. Or thus, Pateat vniuersis per præsentes me W.W. dedisse, &c. Or thus, Omnibus Christi fidelibus præsentes literas inspecturis.

Or thus by a noble man, placing his name with all his titles of honor at the beginning thereof, Prænobilis Gilbertus Com' Salop', dom' Furnival, Verdon, & Strange de Blackmere, dom' Lutfott, nobilis

lis equestris ordinis Garterij sodalis, Regię què Maiestati à sactis consilijs &c. Salutem &c. Scitatis me præfat Comitem &c. **and the like of others, &c.** **Or thus,** Christianis vniuers. presens scriptum inspecturis siue audituꝝ &c. **Or thus,** Hæc billa testaꝝ, quod &c.

Or thus by a Corporation, Nouerint vniuersi per prętes nos R. I. Maiorem burgi de Doncast & Communitatē eiusdem burgi, ex vnanimi nostr consensu & assensu, dedisse, &c.

Or by the Queene, or by any other King or Prince thus, Elizabeth Dei gratia Angliæ, Franciæ: & Hibern' Reg. fidei defensor &c. Omnibus ad quos præsent liter nostr peruener, salutem. Sciatis nos. **Or** Sciatis quod nos &c. **Or thus,** Elizabeth &c. Archiepiscop', Episcop', Ducibus, Comitibus, Baronibus, Militibus, &c. Sciatis qd nos, &c. **Or thus,** Reg. vniuers. & singulis Iusticiarijs, & Custod forestaꝝ, Maioribus, Coronatoribus, Eschętor, Vicecom', Forestarijs, custodibus pacis, venditoribus victual' & cariag', ac omnium aliarum rerum quarum cunq; pro expensis hospicij nostri, Constabulaꝝ, Balliuis, Officiaꝝ, Ministris, & omnibus subditis nostris quibuscunque, tam infra libertatem quam extra, ad quos &c. Sciatis &c.

And in many other like formes according to the qualitie of the person, to whom her Highnesse Patents are directed. In which who so desireth to bee further instructed, may plentifully bee satisfied by perusing of the Register, &c.

And the sealing of the Queenes letters P. are commonly concluded with these or the like words *(viz.)* In cuius rei testimonium has literas nostras fieri fecimus patentes. Teste meipsa apud W. 3. die Maij. Anno regni nostri 36.

And the ensealing of deed by a Corporation thus, In cuius rei testimonium, sigillum nostrum commune præsentibus appositum. Datum in Guildhalda Burgi prædicti, &c.

Of Deeds indented.

Sect. 47. **A Deed indented is a deed consisting of two parts or more, in which it is expressed, that the parties of the same deed haue to euerie part thereof interchangeably, or seuerally set their seuerall Seales. And they are most commonly made in this forme,** *(viz.)*

Hæc Indentura facta inter A. B. de C. in comitatu Ebor H. ex vna parte, & E. F. de G. in comitaꝝ H. yeomen ex altera parte, Testatur qꝰ prędict' A. B. dedit, concessit, & hac presenti charta indentaꝝ confirmauit prędicto E. F. & hered' suis 20. acr terr &c. Habend' &c. In cuius rei testimoniū partes prędict' sigill' sua presentibꝰ alternatim apposuerūt.

Datum

Datum &c. Or thus: In cuius rei testim' vni parti huius præsentis Indentur penes præfat E.F. reman' præd A.B. sigill' apposuit, alteri vero parti eiusdem Indentur penes præf. A.B. reman' præf. E.F. sigill' suum apposuit, Dat' xx. die Ian. Ann' &c.

Or the date thereof may be put in the beginning of the deede thus: Hæc Indentura facta xx. die Ian. Anno regni &c. Inter A.B. &c. & C.D. &c. Testat &c. These deedes indented, or Indentures, and deeds Poll, may be made in the first person also, but are most vsually made in the third person. And in the first person bee of this forme, Omnibus Christi fidelibus ad quos hoc præsens scriptum, Or præsens charta, Or præsentes literæ indentatę peruenerint, A.de B. &c. salutem in Domino sempiternam &c. Sciatis me præfat A.B. dedisse, concessisse, & hac præsenti chart mea indent confirmasse C.D. &c. xx. acras terr &c. Habend & tenend &c: *vel sic*, Sciant præsentes &c. futuri &c. *vel* Nouerint vniuersi per præsentes &c. *vel* Pateat vniuersis &c. quod ego A.B. de &c. dedi, concessi, & hoc præsenti scripto meo indentato confirmaui C.D. xx. acras terræ &c. Habend &c. In cuius rei testimon' tam ego præfat A.B. quam præfat C.D. his Indenturis sigilla nostra alternatim apposuimus, Datum &c. *vel sic*, In cuius rei testimonium vni parti huius præsentis Indentur sigillum meum apposui, alteri verò parti eiusdem Indenturæ præfatus C.D. sigillum suum apposuit, Datum &c.

And both parts of such deedes indented bee the deedes of both the parties to the same: And euery part of such Indentures is the deede of either of the said parties: and each part is of as much force and effect alone, and as beneficiall to either of the said parties, as both parts thereof together.

These deeds indented are not onely bypartite, as these aboue mentioned, but also may be made tripartite, that is, of three parts, or quadrupartite, quinquepartite, or of as many parts as shall be needfull, in forme abouesaid, Mutatis mutandis &c. as by sundry examples in this present discourse may appeare.

And these deedes indented, or Indentures, are most commonly indented or cut one of them into another. But the cutting of them in that manner onely doth not suffice to make them deeds indented, nor the calling of them so by the parties, if the putting too of the seales in forme abouesaid bee not therein expressed. Thus much generally for the seuerall formes of deeds.

Obſeruations neceſſarie for the making of Inſtruments.

IN the forme of euery Inſtrument it ſeemeth needfull to conſider the ſubſtance thereof, and the adiuncts. Touching the ſubſtance, a deed doth conſiſt of two principall parts, namely the premiſſes and conſequence thereof.

The premiſſes of an Inſtrument is the former part thereof, and is commonly ſaid to be all that which preceadeth the Habendum or limitation of the eſtate.

In the premiſſes of Inſtruments are principally to bee conſidered three things:

The firſt the perſon contracting, next the thing, matter, or fact whereof the contract is to be made, and then the words with which the ſaid contract is to be deſcribed.

The perſons are the very efficient cauſes of the Inſtruments, by whoſe conſent they are agreed vpon and made.

And the perſons to Inſtruments be either actiue or paſſiue.

The actiue perſon in inſtruments is hee which maketh the inſtruments, or which giueth, feoffeth, releaſeth, confirmeth, graunteth, leaſeth, lendeth, deliuereth, letteth, departeth with, couenanteth, or promiſeth any thing: or ſhortly he which maketh any contract or bargaine, to, or with any other, and is named according to the contract: As the donor, feoffor, leſſor, obligor, releaſor, grantor, confirmor, ſeller, lender, bargainer, &c.

The paſſiue perſon in inſtruments, is hee, vnto whom the inſtruments be made, and which taketh thereby, who is likewiſe diuerſly named, according to the ſeuerall natures of the contracts, to, or with them made.

In the perſons, two things are to bee heeded: the capacities and names.

Touching capacitie, conſideration is to bee had, that the actiue perſons which ſhould make any deeds, bee perſons able to doe it, namely, that they be void of all impediments, either naturall or ciuill: of which we haue intreated before amongſt contracts.

And the paſſiue perſons be ſuch as be capable of things which ſhould be giuen or tranſferred vnto them, and voide of the like impediments, and not dead perſons in law, as Monks, Friers, Nuns, and ſuch ſuperſtitious votaries.

Of the names and Additions of perſons.

Sect. 49. AND touching the names or Additions of the parties to inſtruments, it is requiſit that they be certainly named by their names

of

of baptisme & surnames, with a lawfull & sufficient additions of place, estate, degree, misterie, or occupation, to distinguish them from all other persons of like name, whether such person be King, Prince, Duke, Marquesse, Earle, Vicount, Baron, or Lord, which be names of great Nobilitie and honour: Or he be a Knight, Esquier, or Gentleman, which for difference are termed names of lesse nobilitie or honour, Or he be a yeoman, husbandman, artificer, or labourer: Or else if it be anie Ecclesiasticall person, as Archbishop, Bishop, Archdeacon, Deane, Parson, Vicar, Clerke, &c. Or if it be any Corporation, or bodie ciuill or politique, hauing Couent and common seale, as Bailife, and Burgesses, Maior and Communaltie, or other brotherhod, &c. And for the auoyding of confusion and error, thus: Sciant &c. quod ego W. W. de R. in Comitatu E. gen', Dedi &c. T. N. de R. in eodem comitatu Tailor &c. and such like.

Of the matters and things or facts whereof Instruments be made.

AND as concerning the matters, things, and facts whereof Instruments are to be discribed, are also to be considered two things: First the things or facts themselues, & the their necessaris circūstances. And as for the things themselues, it is to be weighed, whether the very bodies of the things themselues be to be contracted for, as lands, or goods &c. or the rights pertaining to the persons in the vse of the bodies of things: as wares, vse, fruits, profits, which we take thereby. Sect 50.

And in things is to be noted whether they be corporal or incorporal.

Corporal things, are such as of their owne nature may be felt or seen, and they be either moueable or immoueable.

Things moueable, are those which may be remoued out of one place into another: as garments, fruits of the earth, beasts, rents, &c.

Things immoueable, be such things as cannot be remoued from place to place, which be therefore called things of the soile or ground, as the very ground it selfe, and things fixed to the same, which cannot be remoued without the distruction thereof: as trees planted therein, houses thereupon builded, &c.

Things incorporall be such, as by their owne nature can neither be seene nor felt, and are comprehended onely by vnderstanding, and therfore can neither be deliuered nor deuided: as property, possession, inheritance, seruice, aduowsons of Churches, wardships, the vse and fruition of things ciuill, obligations, contracts, alienations, and at a word all rights, aswell to haue the very things themselues, or the vse thereof: as libertie to goe through another mans soile, common of pasture, way, libertie to hawke, hunt, or fish, and so forth, notwithstanding that the

subiects

ſubiects whereunto they bee annexed are corporall: as the ſoile or corporall, yet the right to inioy, or inherit the ſame incorporall.

Which things being throughly ſurueied, the writer muſt haue ſpeciall regard, what manner of thing is to bee contracted for: whether it be honor, caſtle, manor, houſe, land, meddow, paſture, farme, perſonage, aduowſon, office, parke, pond, warren, ſeruices, courts, liberties, wardſhips, mariages, wayes, common, or other things whatſoeuer, ſetting them downe by their apt and vſuall names, if they haue any, or by ſuch other accidents and circumſtances, as may certainly deſcribe, and diſtinguiſh them from all other, as the Towne, Hamlet, and Countie where the thing lieth, butting it at the ends, and binding it at the ſides (if need bee,) and expreſſing in whoſe occupation it is or hath been, who was thancient owner thereof &c. As vnum meſuagium cum pertinen' in S. in com' C. vocat' Cowhall, iacen' inter ten't I.S. ex parte Boreali, & ten'tum T. S. ex parte Auſtrali, & abuttat' ad orient' caput ſup ten'tum D.D. & ad occident' caput ſup ten'tum L.T. quæ nup pquiſiui mihi, & hered' meis de N.N. & nunc ſunt, vel nup fuer' in occupatione S.T. vel aſſignat' ſuor' &c. expreſſing all things certainely with apt ſignificant words, and therein eſchewing all Metaphoricall, figuratiue, and borrowed ſpeeches, and all words of diuers or doubtfull ſignifications.

What words are to be vſed in the making of Inſtruments.

Sect. 51. SVch words muſt be vſed in euerie Inſtrument, as the nature of the contract doth require: As in Feoffements, Feoffaui, Dedi, or Conceſſi, &c. In a Releas, Remiſi, or Relaxaui, &c. In a confirmation, Confirmaui, Ratificaui, &c. In bargaine and ſale, Barganizaui & Vendidi, &c. So of other in the premiſſes, and like, with ſuch words as be requiſite, and are expreſſed in other parts of deeds.

Of the conſequence of Deeds.

Sect. 52. THus much touching the premiſſes, or firſt part of Inſtruments. Now let vs enter into conſideration of the ſubſequence or ſequele thereof. The later part of Inſtruments, and conſequence thereof is all that neceſſarily followeth the premiſſes, and that is the Habendum, in which is limitted and expreſſed what eſtate or propertie the partie paſſiue ſhall haue: as fee, taile, &c.

And that is twofold, namely the limitation of the eſtate, and of thuſe.

The limitation of the eſtate is to limit and expreſſe in certaine, what eſtate the partie ſhall haue in the thing contracted.

The limitation of Thuſe is to expreſſe in the ſaid Habend', to or for whoſe vſe and benefit he ſhall haue the ſame eſtate, reciting withall the

thing

thing granted by ſome ſufficient generall name: Habend & tenend præd' manerꝫ imperpetꝫ (if a manor be granted in the premiſſes) præd' meſuag' cum ptin', or ten'ta pręd' cum ptin', as the caſe requireth, pręſ. & hæred' & aſſign' ſuis imperpetꝫ, ad opus & vſum præd' I. S. hæred' & aſſignatorꝫ ſuorꝫ imperpetꝫ.

Of the adiuncts or accidents of Inſtruments.

THus are the eſſentiall parts of Inſtruments diſcuſſed. The adiuncts now come in place. Sect. 53.

Wherein are all thoſe things which come to the inſtruments, beſide the eſſentiall parts thereof, which likewiſe be of two ſorts: for either they be adiuncts, common to either of the ſaid parties, or proper to the one part only.

Adiuncts common are two, the date of deeds, and the conſideration of the contract.

Of the date of deeds.

THe date is the deſcription of the time in which the deed was made, which is done either by ẏ yeere of ẏ Lord, or ẏ yeere of the Princes raigne, & it ought either to be placed in the beginning of the premiſſes, or in the end of the conſequence, of which ſee examples thereof enſuing. Sect. 54.

Of the cauſe of conſideration of Deeds.

THe conſideration of inſtruments is the motiue cauſe, for which the Inſtruments are made, as money or other goods, affection naturall or ſuch like, which is moſt commonly, and in my conceit moſt aptly expreſſed in the premiſſes, and which neuertheleſſe may be put in the conſequence, & in many caſes be omitted. Of both examples hereof are many in the ſecond Booke. Sect. 55.

Of Adiuncts proper to the conſequence of Inſtruments.

ADiuncts of the conſequence of Inſtruments are ſuch as are moſt commonly ſet downe after the Habẽd. And they be of diuers ſorts. Sect. 56.

As the reſeruation, redd', if any rent, ſuit, or ſeruice be reſerued.

The reentrie.

The nomine penæ.

The clauſe of diſtreſſe.

The tenẽd', ſhewing the land is holden touching things inheritable.

The clauſe of warrantie generall, or ſpeciall, or particular.

The exceptiõns out of whole things.

The conditions and prouiſoes.

All Couenants are to be made of either ſide according to euerie ſeuerall Contract.

As, to be ſaued harmeleſſe or diſcharged, to be ſeiſed in fee &c.

To haue power to ſell.

To

To be owner of the tenements or chattels sold.

To make further assurance.

To be seised to the alienees vse.

For quiet enioying &c.

And euerie other necessarie couenant according to the nature and qualitie of the thing or fact, whereof the contract is made, and the manner of the contracts made: Regarding heedfully all circumstances of the place, person, occasion, thing, maner of doing, cause, exception, condition, according to the true meaning and agreement of the parties curiously without preiudice, partialitie or fauor to either of them.

Then followeth the drawing of such Instruments in forme after some p̄ sident ensuing, as the qualitie of the fact or contract exacteth: whether it be a feoffement, grant, release &c. or any other instrument.

Then must such first draught be circumspectly examined, perused, concluded, and agreed vpon by the parties or their counsell.

When such draught is so agreed vpon, then it is to be faire written and ingrossed in paper or parchment, without blotting, rasing, enterlining, writing euerie word plainly at length, without any abbreuiations, ciphers, signes, or notes, which may breed any scruple or doubt.

Then they must bee warily and precisely read ouer, and examined twise or thrise at the least, lest any thing be inserted, detracted, omitted, altered or mistaken, differing from the parties good meaning.

For Instruments once sealed and deliuered, may bee altered or amended in nothing.

All things being thus dispatched, the Instruments are to be subscribedby the parties.

And by them sealed with hard wax like to continue long.

And when Instruments are sealed and subscribed, they must bee openly read and published in the hearing of diuers substantiall credible witnesses, and afterward deliuered in their presence, as the acts and deeds of the parties.

These things so finished, the sealing and deliuerie of such deeds must be certified vpon the back side thereof, or in some other conuenient place thereof, thus: Sealed and deliuered in the presence of A.B.C.D.E.F. &c. and chuse alwaies such yong witnesses which can subscribe their owne names if you can get them.

Deeds in old time were wont to bee deliuered in the presence of men of greatest credit and worship that could be gotten: and many times in open Courts, or great assemblies of people, for credite and proofe.

The end of the first Booke.

The first part of Symboleographie, containing Instruments Extraiudiciall, Agreements, Couenants, Contracts, Grants, &c.

Although by order wee learne how to doe things, and then put the ſame in practiſe, yet the veric actions themſelues are worthily deemed farre more excellent and honourable than the bare knowledge thereof: by ſo much as the end is more precious than all the meanes by which the ſame is attained.

For as in ſchooles in vaine ſhould children ſpend their time in learning the rules of Grammer, touching either the Etymologie or Syntaxis thereof, if they did not after apply their knowledge to the vſe of ſpeaking and writing.

And as Phyſitians ſhould vnprofitably ſtore themſelues with the vnderſtanding of the ſeuerall natures and properties of hearbes and roots, and other ſimples, or of the Art of Phyſicke, if they did not ſhew vs the vſe and fruit thereof in curing diſeaſes, and reſtoring health: ſo doubtleſſe the doctrine of all other Arts and Sciences, is idle and barren if vſe and practiſe be not therewith conioyned. And therefore we alwayes account thoſe things which are wrought by Art, of farre more paſſing excellencie than we doe the Art it ſelfe.

Neither doth any doubt, that it is harder to practiſe an Art, than onely to practiſe the Theoricke part thereof: For neither they which know the ſeuerall kindes and meaſures of verſes, with the lawes of verſifying, are thereby ſtraightwayes Poets: nor they which haue learned by heart all the tropes, figures, and precepts of Rhetoricke, are by and by Orators: for to their knowledge they muſt needs couple long vſe and exerciſe before they win the names of perfect Poets, or eloquent Orators.

Euen ſo, it ſufficeth not for a Notarie to know only what inſtruments and contracts be, what things and acts they may be made of,

ance by what prudence, with such other generall notions. For ere he be worthie that name, he must throughly know the seuerall tenors and formes of euerie speciall instrument, in each kinde of contract and businesse.

Wherefore as heretofore I haue generally in some measure layd downe the doctrine of Instruments: so in these which follow, I intend to shew certaine formes of euerie kinde of Instruments, as they haue heretofore long time beene vsed, and approued by learned men of great experience: from whose sound examples therein, I thinke it not good rashly to swerue, because it is a farre surer course, to retaine those certaine formes which continually haue beene many yeares put in vre, then to deuise new. For that,

time, who is the touch-stone of all Arts,

hath confirmed these.

Of Couenants, Articles, Promises, Contracts, and Agreements, &c.

AS for so much as Couenants are inserted into all manner of Instruments, I thinke it good first to shew examples thereof, hauing onely to do what manner of Instruments they be. An Indentment of Couenants therefore is a writing diuers containing an agreement of diuers persons, whereby the one doth promise or couenant with the other to doe or omit some act or acts, thing or things, in such sort as they haue concluded thereof among themselues, and they are most commonly made with these words following, or the like in effect. Sect. 57.

The words wherewith Couenants are made in writing.

THis Indenture made &c. Between A. B. of &c. on the one party, and C. D. of &c. on the other partie, Witnesseth, that the said A. B. for himselfe, his heires, executors, and administrators, and euerie of them, doth by these presents couenant, grant, promise, and agree to and with the said C. D. his heires, executors, and administrators, &c. and euerie of them, that the said A. B. (expressing the thing agreed vpon by apt words.) Sect. 58.

Or thus betweene two and more.

Witnesseth, that the said A. B. and C. D. doe by these presents, for themselues, and either of them, and the heires, executors, and administrators of them, and either of them, and either of them, and euerie of them doe couenant, grant, promise, and agree, to, and with the said E. F. and G. H. and either of them, and the heires, executors, and administrators of them, and of either of them, and euerie of them, that they the said A. B. and C. D. &c.

Or thus betweene three and more.

Witnesseth, that the said A. B. C. D. and E. F. for themselues, and euerie of them, and the heires, executors, and administrators of them and euerie of them, doe by these presents couenant, grant, promise, and agree, to, and with the said G. H. I. and K. and euerie of them, and the heires, executors, and administrators of them, and euerie of them, that if it happen, &c.

Couenants betweene Executors, where the one granteth the goods to the other, being bound to performe the Will.

Sect. 59. THis Indenture made &c. Betweene R. S. and Y. M. &c. Witnesseth, that whereas T. S. now deceased, late brother of the said R. in his life time did make his last will and testament in writing, and therin being ordained the said R. and J. then wife of the said T. and now wife of the said Y. executors thereof, as by the said testament and last will appeareth. And whereas the said Y. & J. haue and inioy not only all such goods and chattels which the said T. did giue & bequeath vnto the said J. but also all plate, money, & all other goods & chattels which were of the said T. S. at the time of his decease: the said parties to these presents haue couenanted and agreed in manner and forme following: that is to say, That the said Y. M. for him his executors and administrators, and euerie of them doth couenant &c. to and with the said R. S. his executors and administrators and euerie of them by these presents, that he the said Y. and J. his wife, or one of them, or the executors, administrators or assignes of them, or one of them, shall and will content and pay, or cause to be payed vnto the said R. S. his executors or administrators, or to the executors of the surviuor of the said executors sixtie pounds of &c. within 6 monthes next after the full age of G. and Y. S. sonne of the said T. S. or of either of them, if they or either of them shall so long liue, or els within one yeare next after the decease of the suruiuour of them the said G. and Y. if both the said G. and Y. S. shall die before either of them shall come to, and vse of his said full age. Prouided alwaies, and the said Y. M. for him &c. doth couenant &c. that if the same J. now wife of the said Y. M. shall depart this present life before the said G. and Y. S. or either of them shall come and be of his said full age, and the said G. & Y. S. or either of them surviuing the said J. That then the said Y. M. his heires &c. shall content and pay, or cause to be contented and paid vnto the said R. S. his executors or administrators, or to the executors of the surviuor of the executors of the same R. S. the summe of vr. l. &c. within one yeare next after such decease of the same J. And ouer this, the said Y. M. for him &c. doth couenant &c. that the said Y. M. and J. his wife and their executors, administrators, and assignes, and euery of them, of his, her, and their proper costs and charges, during the marriage betwixt him the said Y. and the said J. shall well and sufficiently sustaine, and maintaine the houses and buildings, which be set and vnitted vpon such customarie lands and tenements in &c. in the said county of &c. which the said Y. M. & J. in the right of the said J. now haue and doe hold for

terme of life of the said I. And that he the said H.P. and I. nor either of them shall do no manner of waste in or vpon the said customarie landes and tenements, or any parcell thereof. And also where the said H.P. together with A.B. of S. and I.D. of W. by their writting Obligatories do stand iointly and severally bound vnto the said R.S. in one hundred pounds of good &c. with and vpon condition thereupon indorsed for the true performance of the couenants, graunts, paiments, and agreements, contained in these present Indentures on the part of the said H.P. his heires, executors, administrators, and assignes, or any of them to be performed, paied, or kept, as by the said writing Obligatorie, & condition aforesaid, more plainely it doth and may appeare: The said H.P. for him &c. doth couenant &c. to and with the said R.S. &c. that if any two of the persons bound in or by the said writing Obligatorie, or any two of any other persons hereafter to bee bound, in, or by any other writing Obligatorie to be made for the same purpose, shal die, and depart this present life before all the couenaunts, graunts, articles, payments and agréements, in these present Indentures contained, shall be well and truely performed and kept, that then the survivor of the persons bound by any such writting Obligatorie, shall with two other sufficient sureties, within two yeares next after such departure or death as is last aforesaid, by their sufficient and lawfull writting Obligatorie become iointly and severally bound to the said R.S. his executors or administrators or to the executors of the survivour of the executors of the said R.S. in the summe of &c. with and vpon condition in effect as is aforesaid, and so often to find and lay in such bonds with such sureties as is aforesaid, as any such death or deaths as is aforesaid, shall happen as is before declared, during the said time. And over this the said R.S. for him &c. doth couenant to and with the said H.P. &c. that he the same R.S. his &c. shal acquite, discharge, and from time to time for euer saue harmeless the said H.P. and I. his wife, and either of them, and all the executors, administrators, & assignes of them, and either of them, against the said G.C. and H.S. and either of them, of all and singular legacies, gifts, and bequests which the said T. their father did by his last will and testament giue and bequeath to the same G.C. and H.S. and either of them. In witnesse whereof &c.

Of Couenants for Estates.

Sect. 60.

THis Indenture made &c. betweene R.C. and W.H. on the one partie, and R.B. on the other party, Witnesseth, that whereas the said R. is lawfully intituled to a certaine bond obligatorie, made by the

said W. P. according to the statut of Acton Burnel, and acknowledged &c. before P. A. then Maior of the city of C. vnto P. D. in the sum of &c. commonly called a statut merchant: by meane whereof, the said W. P. at this day, is, and for a long time hath bin grieued. For the better help and ease whereof, and for diuers other considerations, the said parties and euery of them mouing, they are condiscended and agreed, in manner and form following, that is to wit: The said W. and R. and either of them are well pleased, contented and agreed, and further couenant and grant, to, and with the said R. ẏ what time it shal please the said R. and as oft, and at all and euery time and times, as he shall so please, ẏ when he shall think it most to him conueniēt to sue forth execution, vpon the said stat. merchant, and to do his best, and vttermost endeuor for the obtaining of the same, and also to extend all, and singular the lands and tenements which were the said W. P. at the time of the making of the said sta. merchant, or at any time since, as far forth, and in as ample maner and wise as the laws, vsages, and customes of this realm will beare and permit, that the said W. and R. nor any of them, shal not in any wise hinder, let, or gainsay the same. And the said R. couenanteth &c. ẏ he the said R. shal vpon the same execution sued, further vse, and extend and shew all such fauour vnto the said W. in respect of the imprisonment of his person, as he lawfully may, and as by the same R. and W. or their learned counsell, or the learned counsel of either of them shalbe deuised or aduised, so that the same be not hurtful nor preiudicial to the said execution, nor may be deemed or construed a good and sufficient matter, to auoid and frustrate the same. And further, the said R. doth &c. ẏ he shal and will from time to time, and at all and euery time and times, as he shalbe reasonably required, by the said R. his &c. and after that he the said R. hath extended or caused to be extended, such lands &c. or any part or parcel therof, as at ẏ time of the knowledging of the said sta. or at any time sithence, were the inheritance of the said W. and now be the lands and tenements of the said R. and in his seisin and possess. giue, grant, &c. all and euery the said lands &c. vnto ẏ said R. and his &c. to haue and to hold the same during all such terme, and time as the said R. should haue by the laws, statuts, vsages, and customs of this realme in the premisses, by the force of the said stat. and extēt, and to do, suffer, and make, seale and deliuer all such assurances in the law, for that purpose, as shal be deuised or aduised by the said R. or his assignes, or his or their learned counsell, at his or their proper costs &c. in the law. And also the said R. doth couenant &c. ẏ hereafter as he the said R. by vertue of the statute aforesaid, shal haue such lands &c. in execution, which at the foresaid time of the knowledging of the said

statuts

ſtatute merchant were the inheritance of the ſaid W. P. ſet, lying, or being in W. in &c. To haue and to hold to the ſaid R. and his aſſignes during all ſuch terme and time, as the ſaid R. ſhal be lawfully intituled by the ſaid execution, to haue the ſame. And alſo the ſaid R. doth couenant &c. that he, nor they, ſhall doe no act nor acts, thing or things, to auoid or fruſtrate the foreſaid grants, and aſſignements, or any of them to be made vnto the ſaid R. and his aſſignes, of the premiſſes, in maner and forme aforeſaid, after that the ſame be had and made, to the ſaid R. and to his aſſigns, as is aforeſaid. And the ſaid W. and R. in conſideration of the fauor which the ſaid R. hath in theſe Indentures couenãted to ſhew, do, doe, and extend vnto the ſaid W. as aforeſaid appeareth. And alſo in conſideration of the ſaid grant to be made vnto the ſaid R. as likewiſe is aforeexpreſſed, wherby the ſaid W. ſhalbe defended from ſundry damages, the ſaid W. and R. and euery of them, couenant &c. to pay to the ſaid R. his executors or aſſigns, the ſum &c. in maner and forme following, viz. 20. marks by yere, yerely, by the ſpace of 5. yeres nert inſuing, at 2. termes in the yere, to be nominated and appointed by the ſaid R. and 10. li. the nert yere, immediatly following the ſaid 5. yeres, at 2. termes as aforeſaid. And the ſaid W. and R. do couenant, that hee the ſaid R. for the true and good payment of the ſaid ſum of &c. to be contented and paid, as aforeſaid, ſhal and will charge all and ſingular his lands and tenements, which he hath in the ſaid county of C. and to do all and euery act and acts, thing and things, for, and to that purpoſe, conuenient and appertaining, from time to time, as ſhalbe deuiſed, or aduiſed, by the ſaid R. or his learned counſell, at the proper coſtes and charges in the law, of the ſaid R. And alſo the ſaid W. and R. do couenant and grant, for them, and euery of them, to and with the ſaid R. from time to time, to beare and pay the moity and one halfe of the charges in the law, wherin the ſaid R. ſhalbe put to in the ſuing forth of the ſaid execution and extent. And alſo the ſaid W. and R. do couenant &c. that the ſaid R. at the requeſt of the ſaid R. ſhalbe of counſel with him, in the ſuing forth of the ſaid execution and extent, and labour and trauell with him in the ſame, as appertaineth to a Counſellor. And the ſaid R. doth couenant &c. to inlarge, and diſcharge the ſaid W. out of priſon, where he now remaineth at the requeſt of the ſaid W. and R. or either of them. And for the full and true accompliſhment of all and ſingular couenants, grants, agreements, and articles mentioned in theſe Indentures, euery party couenanteth to other to ſtand bound in their ſeuerall deeds Obligatory, in the ſumme of &c. bearing date with theſe preſents. In witneſſe whereof &c.

Couenants to discharge Executors, and procure release.

Sect. 61. THis Indenture made &c. Betweene I. S. on the one partie, and C. B. late wife of R. B. deceased, and executrix of the last will and testament of the same R. B. of the other partie, Witnesseth, That where the said R. B. was in his life time put in trust, as one of the feoffees of I. S. Esquire deceased, to leavie & receive the profits of certaine lands and tenements to the same feoffees assured, for certaine sums of money, to the vse, and for the preferment of the mariage of C. D. I. E. & A. S. fiue of the daughters of I. S. and by vertue thereof hath received and leuied, the summe of &c. and hath in, and out of the same disbursed &c. to the vse of the said seuerall daughters, as in a schedule annexed to these presents appeareth, and so had remaining in his hands, at the time of his death, and wherewith the said C. as executor, to the said R. B. resteth chargeable and answerable to the said seuerall daughters in the summe of &c. And whereas the said I. S. brother to the said M. E. A. and I. as he affirmeth, hath disbursed and payd for the preferment of the mariage of the said I. lately maried to L. Y. the summe of &c. and in to receive the same against of her portion, and thereby claimeth and demandeth of the said C. B. the said summe of &c. and which the said C. B. vpon reasonable discharge, is agreed to pay, the said I. S. doth first by these presents, not only confessing and acknowledging, that the day of thinsealing of the same, hee hath received and had of the said C. B. the sum of &c. to the vse of the said I. his sister, or such other his sisters, as the same of right is due vnto, and thereof, and of euerie part thereof, doth acquite and discharge the said C. B. her executors and administrators, but also doth confesse and acknowledge, that hee hath taken and receiued of the said C. B. a full and perfect accompt of all the receipts of the said R. B. and all that they disbursed, and vpon the same iustly and truly made, as in the said schedule annexed appeareth, acknowledgeth the said summe of &c. and no more remaining in the hands of the said C. B. as executrix of the last will and testament of the said R. B. And the said I. S. doth further couenant and grant for him, his executors, and administrators by these presents, that the said I. S. his executors, administratours, or assignes, shall not onely discharge, defend, and saue harmelesse the said C. B her &c. as wel against the said M. I. E. and A. and euery such person and persons, as now hath, or hereafter shall marrie any of them, their, and euery of their executors and administrators, as also against Sir W. B. knight, and the executors of H. L. Alderman deceased, and others the feoffees of the same I. S. deceased, of, and from all suits, and demands,

and

and all charges thereby to be sustained, which shalbe prosecuted against her, as executrix of the said R.B. deceased, for &c. concerning the hauing and receiuing of the said summe of &c. or any part or parcell thereof, but also shall procure to be sealed and deliuered to the said T.B. within one yeere next ensuing the date thereof, a lawfull and sufficient generall acquitance from all and euery such person and persons, as lawfully can, could, or might claime, aske, or demand, any part or parcell of the said summe of &c. by the said R.B. as is aforesaid receiued, and by her to the said I.S. paid. In witnesse whereof, &c.

Couenant to prosecute suit.

THis Indenture &c. Betweene I.B. and I.M. of &c. and G.R. on the other partie. Witnesseth, that whereas about the 30. yeere of the Queenes Maiesties raigne that now is, a certaine offence, pyracie or robberie was committed vpon the Seas vpon the goods and merchandize of one M.M. and W.D. in the good ship called the Magdalen by diuers persons, whereof certaine for the same offence were executed, and certaine yet remaine and stand indicted, as by the Record of the Court of &c. more at large doth appeare. Now therefore it is couenanted and agreed betweene the said parties to these presents, in manner and forme following: that is to say, The said I.B. for him &c. couenanteth, that the said I.B. from time to time vpon the request of the said I.M. shall not only by the authoritie and power to him made by the said I.M. and W.M. or otherwise, attach, imprison, and prosecute in due order of Law, as the said I.M. shall direct him, all and euerie the person and persons, or any of them which stand indicted for the said offence, and all and euery offender and offenders touching the pyracie, and their accessaries, and euerie of them: but also shall be aiding, assisting, counselling, and helping the said I.M. in all and euerie act, thing, and deuise that the said I.M. shall lawfully goe about to do, perpetrate, or execute, about, touching or concerning the said premisses, or any of them. And that the said I.B. his executors or assignes shall not at any time hereafter release, or otherwise discharge any of the persons standing indicted for the same offence, or any accessorie to the said offendors, nor any offendor or offendors which was at the said robberie, nor doe perpetrate or commit, or willingly suffer any thing or things to bee done touching the premisses, or any of them, or any matter, action, agreement, or other thing touching the premisses, or the persons indicted for the premisses, or others, concerning the said offence, without the consent, will, and agreement of the said I.M. & G.R. their executors, Sect. 62.

executors, administrators, or assignes, first had and obtained in writing, vnder their hands and seales for the same. And moreouer, if it so be, that any agreement shall be had for the premisses, or any of them, or otherwise howsoeuer by meanes or colour of the offence aforesaid: that the recompence, summe or summes of money, or other thing vpon such agreement paied and receiued, shall be diuided into three equall parts, whereof one part thereof the said I.B. shal keep and retaine in his owne hands for his owne part thereof: The second part thereof he the said I.B. his executors, or administrators, shall pay to the said I.M. his executors &c. within 4. daies after the receipt thereof in the Church of B. &c. And the 3. part thereof the said I.B. shall pay to the said G.R. &c. In consideration of all which premisses, the said I.M. for him &c. couenanteth &c. to and with the said I.B. his executors and assignes by these presents that he the said I.M. his &c. shall beare and discharge all costes, charges, and expences that shall hereafter be disbursed, paied, or expended, in or about the prosecuting of the premisses, or any of them at all, and euerie such time and times, as the same shall be disbursed and paied from time to time. In witnesse &c.

Couenants to surrender Copyhold lands.

Sect. 63. THis Indenture made betweene T.M. R.S. &c. Witnesseth, That the said T.M. in consideration of 120. pounds &c. doth for himselfe &c. couenaunt &c. that he the said T. or his heires, before the feast of E. next ensuing the date hereof, shall and will according to the custome of the manor of S. in the said countie of Y. surrender into the hands of the Lord of the said manor, all those Copyhold lands, tenements, medowes, pastures, and hereditaments, within the Soke of E. aforesaid, now or lately in the seuerall tenures or occupations of R.L. Y.M. R.B. and D.C. or of any of them, or of the assignes of them, or of any of them, which now be, or heretofore haue bin the lands &c. of the said T.M. or of I.M. his late father deceased, to the vse and behoofe of the said R.S. his heires and assignes for euer, according to the custome of the said manor of S. And that he the said T.M. and his heirs, shall and will at all and euery time and times hereafter, well and sufficiently do, make, knowledge, finish, and execute, and cause, and suffer to be done, made, knowledged, finished, and executed, all and euery such further reasonable act and acts, thing and things, deuise and deuises, conueyance and conueiances, surrender and surrenders, assurance and assurances in the law, of the said tenements and premisses, with the appurtenances, for the absolute, good, and perfect assurance and conueyance of all

the

the said tenements and premisses, with the appurtenances to the said R. his heirs and assignes for euer, according to the said custome of the said manor of S. without any manner of condition thereunto annexed, as shalbe deuised, aduised or required by the said R. S. his heirs or assigns, or by his or their or any of their Counsell learned in the Lawes of the Realme &c.

Hereunto may be added such other couenants for the deliuering of copies, and being seised in fee, according to the custome, and for quiet enioying, and sauing harmelesse of incumbrances &c. as beene vsed in the sale of charter lands Mutatis mutandis: or in the Conditions or Obligations for such purpose &c.

Couenants touching the assignement of Executorship.

THis Indenture &c. Betweene W. C. &c. executor of the last will and testament of S. I. G. deceased, of the one party, and T. C. of the other partie, Witnesseth, that where the said S. I. G. did by his last will and testament, bearing date &c. make, constitute, ordaine, and appoint the said W. C. his sole executor of his last will and testament: Now the said W. C. for diuers good causes and considerations him specially moouing, hath giuen &c. vnto the said T. C. his executors and assignes, all and singular the goods, chattels, leases, implements, and vtensils of houshold, debts, duelies, and credits, which were to the said I. G. at the time of his death, other than such goods, chattels, and implements of houshold stuffe, onely to the value of &c. as bin assigned, and appointed to dame A. G. late wife of the said I. G. in satisfaction of &c. to her couenanted to be paied. And also other than all such goods, chattels, and debts, and other things of the said Testators, as the said W. C. hath heretofore administred, extinguished, and released, being contained in the scedule Indented, hereunto annexed. To haue and to hold &c. (except before excepted) to the said T. C. his executors and assignes, in as large and ample manner and forme, as he the said W. C. the day of the date of these presents, hath or by any lawfull wayes or meanes might or ought to haue the same. And the said W. C. doth also by these presents graunt and authorise, as much as in him lyeth, and doth constitute, make, ordaine, and appoint the said T. C. to be his true and lawfull attourney, to arrest, sue, & implede vpon iust cause, and to defend and answere in lawfull wise, in the name of the said W. C. or any his executors or administrators, all and all maner of suit and lawfull actions, suits, prosecutions, and demaunds, that at any time hereafter shalbe brought and commenced in the name of the said W. C. or any his executors Sect. 64.

executors, either by the meanes of the said T.C. his executors or assignes, or against the said W.C. as executor of the said S.J. or any his executors or administrators for any matter or cause, in any wise touching or concerning the said W.C. by reason of the executorship of the said S.J. or by reason of the said last will or testament, or any thing therein contained, without the voluntarie reuocation, nonsuit, or denial of the said W.C. or any his executors or administrators, and without any account yeelding vnto the said W.C. his executors or administrators, or any of them, for the same, at any time. And further, the said W.C. doth couenaunt &c. that the said W.C. his executors &c. or any of them, shall not at any time hereafter release, acquite and discharge any person, for any debt, or duetie, due to the said S.J. except hee or they bee enforced, ordered, or adiudged by any sentence, iudgement, order, or decree to bee had or made, by any Court in this Realme, Ecclesiasticall or Temporall, nor wittingly or willingly shall doe any other or further act, or thing, in any wise touching or concerning the execution of the said last will and testament, or any part thereof, or the reuocation of these presents, without the assent, aduice, or consent of the said T.C. his executors or administrators. And the said T.C. for the considerations afore in these present Indentures specified, couenanteth for &c. that the said T.C. his executors &c. shall and will, at all times and times hereafter, sufficiently acquite, discharge, or vpon knowledge giuen, saue harmeless the said W.C. his heirs, and executors, of, and from all maner of actions, suits and demands, what soeuer it be, by reason of the said last will and testament, or by colour or cause of any administration, medling, or dealing, of, or with the said goods, chattels, or other things of the said Testator, or by reason of any action or suit, to be had and prosecuted in the name of the said W.C. or his executors, by the meanes or procurement of the said T.C. his &c. or by reason of any other action or suit to be had and stirred against the said W.C. or his executors, as executors of the said S.J. shall at any time hereafter, by any waies or meanes, happen to come, arise, or to bee commenced or prosecuted against the said W. or his executors touching or concerning the same, or else at the least within one moneth next after knowledge had by the said T. his executors or administrators, of any trouble or suit hereafter happening to the said W.C. his executours or assignes, by reason or occasion of any the said executorship, administration or causes aboue said, shall recompence and allow him such charges as hee shall fortune or necessarily bee occasioned to sustaine and be at, by reason of the said suite or suites, or causes

aboue

aboueſaid, any article or thing in theſe preſents mentioned to the contrarie notwithſtanding. And the ſaid W. C. for him &c. doth couenant &c. That he the ſaid W. C. his executors or aſſignes, ſhall and will, at all times hereafter, pay or diſcharge all legacies, and all other things ſpecified and contained in the laſt will and teſtament, according to the true intent & meaning thereof, other then the legacie of the ſaid W. C. and the legacie of I. G. ſecond ſon of the ſaid ſir I. G. In witneſſe &c.

Couenants for ſpeedie triall, and quiet and indifferent occupation in the meane time.

THis Indenture made &c. Witneſſeth, that whereas heretofore di- Sect. 65.
uers controuerſies, ſuits, and troubles haue riſen, & yet be betwixt the ſaid parties, of, about & concerning one farme, lying and being in D. within the townſhip of A. in the Countie of D. in the tenure & occupation of the ſaid W. R. To which farme the ſaid F. R. maketh claime & pretendeth title & right: to the intent that the foreſaid pretended title & right, in, & to the foreſaid farme may quietly be tried betwixt the ſaid parties in ſome of the Queenes Courts, according to the lawes of this Realme, with as much ſpeed as the law will the ſame permit & ſuffer, without any delay to be ſought or had by either of the ſaid parties, and to the end that kindr, friendſhip, and neighbourly loue might bee in the meane time continued betweene the ſaid parties, their ſeruants and families, and that all vnlawfull & forcible attempts, entries, & breaches of the K. peace may be eſchewed, & all other enormities and harmes that thereupon might grow & come, eſcaped. It is couenanted &c. and either of them for himſelfe &c. doth couenant &c. that all the hay that is or ſhall be gotten, in, and vpon the ſaid farme in this next hay harueſt, ſhall be mowed, made, and tried at the indifferent coſts and charges of both the ſaid parties, & by their mutuall conſents, agreements, and contentments, laid in ſome one conuenient place for the preſeruation of the ſame within the ſaid farme, without all couin and deceit. And that all the ſaid hay ſo tried and placed (as is aforeſaid) ſhall there remaine indifferently and ſafely kept vnoccupied by either of the ſaid parties, their &c. vntill ſuch time as the ſaid pretended title & right be thoroughly and lawfully tried and knowne betwixt the ſaid parties, their &c. and then the ſaid hay to be deliuered to him or them, their &c. according to their ſeuerall rights therein, without all couin. And alſo that they the ſaid parties ſhall and may occupie and eat all the graſſe growing, in, and vpon the ſaid farme, with their beaſts and cattell together in common and indiuiſed, without any diſturbance or let, had or made by them of them to the other of them, and without any diſturbance

or

or let to be made by theirs &c. of thone of them to theirs &c. of the other of them, vntill the said pretended right & title vnto the said farme, shall be fully and lawfully discussed, tried, & known betwixt the said parties, their &c. according to the lawes of this realme. And then and after the said title & right fully and lawfully tried and ended by the lawes of this realme, that it shall & may be lawfull to & for the said parties, or either of them, their heires or assignes. To haue &c. the said farme, with the appurtenances to them, their heires or assignes, or theirs or assignes of them, or either of them for euer, according to his or their right and title so to be tried and found, without any further suit or trouble. And also that this agreement, nor the indifferent possession of the said farme to be occupied as is before expressed, shall not at any time hereafter be preiudiciall or hurtfull to either of ỳ said parties their heirs or assignes, touching or concerning the trials of their titles and rights, or the title, right, and possession of either of them, nor that the one shall take or seeke any aduantage in the law thereby against the other. But that either of them shall & may haue & take the aduantage in the law of this land, thone against the other, in as ample & large maner, & in none other wise or manner, than as though there had neuer beene any such order or agreement, or occupation of the said farmes made or taken betweene the said parties, their heires or assignes: any thing in this present Indenture to the contrarie notwithstanding. And also that the said T. R. & F. R. & either of them, their heires & assignes shall further & haste with as much speed as in them, or either of them is and may be done, had, and suffered by the law of this realme, all and euerie such action, suit, or complaint, as is or shall be commenced & begun betweene them, their heires or assigns, for the speedier & better triall of the said pretended right, title, or possession of the said farme, all delaies in the said suit, action, or complaint set apart. And also that some one action shall be agreed vpon betweene the said T. R. & F. R. wherein the said F. shall be plaintife or demandant, by thaduise of both their learned counsell in the law, whereby the said pretended right & title to the said farme may be best & most speedily tried & found out, according to the lawes of this realme, without all couin. And that the said T. R. & F. R. shall behaue themselues friendly & louingly thone toward ỳ other, by & during all the time of the said triall, according to the lawes of God, and this realme. And that for the better performance & fulfilling of all and singular couenants, grants, & agreements contained and specified within these present Indentures, according to the true meaning thereof, either partie shall be bound to other in the summe of 400 l. of lawfull English money. In witnesse &c. I yd

Couenants to make assurance.

Sect. 66.

THis Indenture made &c. Witnesseth, that the said C. for and in consideration of &c. doth for himselfe &c. couenant &c. that he the said C. and his heires, and M. now his wife and euery of them at all and euery time & times hereafter &c. shall and will do, make, knowledge, finish and execute all and euery reasonable act and acts, thing and things, conueiance and conueiances, assurance and assurances in the law, for the good and perfect assurance, surety, sure making and conueiance of all and singuler those messuages &c. whereof or wherein the said J. was euer in his life time seised of any estate of inheritance, to the said G. B. his heires or assignes, & to such other person & persons & his & their heires &c. to his and their only vses, vnto who the said G. and A. his late wife deceased, or either of the haue heretofore alienes, or by any other waies or meanes whatsoeuer conueied or assured the said tenemets or any part therof, as by the said G. B. his heires or assignes, or by the said such other person and persons their heirs and assigns vnto whom the said G. B. and A. or either of the haue (as is aforesaid) alienes or conueied ỹ said tenemets, or any part thereof, or as by M. M. and E. H. or the suruiuour of them shal be reasonably deuised or aduised. So that the said seuerall assurances or conueyances, nor any of them extend not to bind him the said C. or his heires or any of them, to any further or other warranty, than only against them their heires and assignes. And so that the said C. nor his heirs be not inforced to trauell for the making or knowledging of any such assurance or assurances aboue xx. miles from B. aforesaid. And the said C. for himselfe &c. doth couenant &c. that it shall and may be lawfull to and for the said G. his heires &c. and euery of them, and euery such other person and persons vnto whom the said G. and A. or either of them haue heretofore alienes, conueyed, or by any other waies or meanes assured the said tenements and premisses, or any part therof at all and euery time and times hereafter peaceably and quietly to haue, hold, occupy, and enioy the said tenements and premisses and euery part therof with the appurtenances. And that all ỹ said tenements &c. now are and be, and shal, and may for euer hereafter stand, remain, continue, and be vnto the said G. B. &c. clerely acquited, discharged, or otherwise well and sufficiently saued, and kept harmles of and from all and all maner of former bargains, sales, gifts, grants, leases, feoffements, ioyntures, dower, statutes, recognisances, bonds, rents, seruices arrerages of rets, and seruices, intrusions, fines, forfeitures, issues, amerciaments, iudgements, condemnations, executions, rights, soils, estates, vses, intailes, titles, entries, and conditions, and of and from all other titles, charges

and

and incombrances whatsoeuer had or made by the said C. his, &c. or by any other person or persons whatsoeuer lawfully having or claiming the said tenements or any part thereof with thappurtenances by, from, or vnder them or any of them, or by the meanes, assent or procurement of them or any of them. In witnesse whereof &c.

Couenants to assure lands to saue harmeless of recognisances.

Sect. 67. THis Indenture, tripartite &c. betweene T. N. of &c. & T. S. G. F. W. Y. F. W. and C. W. of &c. Witnesseth, that where the said T. Y. W. Y. and F. W. by one obligation or recognisance lately made and prouided by statute for recouerie of debts, bearing date &c. stand ioyntly and seuerally bound to one Y. L. of &c. in the summe of &c. And where also the said T. N. T. S. and G. F. by like bond or recognisance lately made and prouided by statute for recouerie of debts, bearing date &c. ioyntly and seuerally bound to the said Y. L. in the summe &c. Neuertheless it is now couenanted &c. betwixt the said parties and euerie of them for them, &c. in manner &c. that is to say, the said T. N. for himselfe &c. to and with the said T. S. G. F. W. Y. F. W. and C. W. their &c. that the said T. N. before the feast of &c. next ensuing after the date hereof, at the costs and charges in the law of the said T. N. his heires and assignes, shall make or cause to bee made to the said T. S. G. F. W. Y. F. W. and C. S. and to their heires, a good, sure, sufficient, and lawfull estate in the law, in fee simple, of, and in all that his manor of &c. to the vses and intents hereafter following, that is to say, to the vse of the said T. N. and his heires, so long as the said T. N. his executors, administrators or assignes, doe well and truly acquite, discharge, or saue harmeless the said T. S. G. F. W. Y. F. W. and C. W. their heires, executors, and administrators, and the executors and administrators of euerie of them against the said Y. L. his executors and administrators of the said seuerall recognisances, and either of them, and of, and from all manner of summes, debts, penalties, and all other duties contained in the same. And if the said T. N. his heires, executors, or administrators, do faile or make default, and doe not well and truly acquite, discharge, or saue harmeless the said T. S. G. F. W. Y. F. W. and C. W. and euerie of them, their heires, executors, and administrators, and the heires, executors, and administrators of euerie of them, against the said Y. L. his heires, executors, administrators, and assignes, of, and from the said seuerall recognisances, and euerie of them, and of, and from all and all manner of debts, summes of money, and other duties and penalties con-

contained in the said seuerall Recognisances, and euery of them, that the said I. S. G. F. W. P. F. W. E. F. and R. R. and their heires shal stand and be seised, of, and in the same mannor &c. to the vse of them, the said I. S. &c. and of their heires, and of the heires of euery of them, vntill such time as the said I. S. &c. his heires, executors or administrators, haue fully and clerely perceiued, receiued, leuied and taken, all and euery such summes of money, debts, forfeitures, and penalties thereof, as the said I. S. &c. or any of them, their heires, executors, or administrators, or the heires, executors, or administrators of euerie of them, shall be at euerie time compelled by any maner of meanes, to pay, sustaine, or beare by force of the said seuerall Recognisances, or by force of either of them. And furthermore, the said I. P. for him, his heires and executors, couenanteth and granteth, to and with the said I. S. &c. their heires, executors, and administrators of euerie of them, by these presents, that the said mannors &c. the day of the making thereof, are fully and clerely discharged of all former bargaines &c. had, made, done, or suffered to be done by the said I. P. or any his auncestors, the chiefe rents and seruices from thencefoorth to be due to the chiefe Lord or Lords of the fee for the premisses, and all leases for terme of yeares, life or liues, whereupon the old accustomed yearly rent or more been reserued, and the said seuerall recognisances only excepted. And also the said I. P. for him, his heires, and executors, couenanteth &c. to and with the said I. S. &c. their heires &c. that all such persons as now stand and be seised of, and in the said mannor &c. shall stand and be seised of, and in the said manor &c. to the vse of these Indentures, and of the articles & couenants comprised in the same, And that all estates hereafter to be made of, & in the said manor &c. during the life of the said P. I. shall be to the vse and intent mentioned in these presents, and to none other vse nor intents. In witnesse whereof &c.

Couenants to make assurance in taile, after a fine knowledged.

THis Indenture made &c. betweene &c. Witnesseth &c. that they the said W. P. before the feast of &c. by fine to be leuied before the Iustices of our Soueraigne Lady the Queene, of her common place at Westminster, shall acknowledge the capitall messuage &c. by the name of &c. to be the right of the said E. P. &c. As in other couenants to leuie fines sur cognisance de droit come ceo &c. with releasse and warrantie. And that the said fine so knowledged and ingrossed of the premisses, shall be to the vse of the said E. P. and R. E. and of their Sect. 68.

their heires onely, and to none other vse. And the said C. and T. for them &c. to and with the said &c. that the said C. and T. And their heires, and the heires of the survivor of them, within one moneth next after the said fine so knowledged and ingrossed, as is aforesaid, by their deed indented, sufficient in the law, in due forme to be made, shall and will give and graunt the said capitall messuage, and all and singular the said tenements and premisses to them to be assured, as is aforesaid, to the said W. M. and to the heirs males of his body lawfully begotten. To have and to hold the said capitall messuage, and all other the premisses with their appurtenances, to the said W. M. and to the heires males of his body lawfully begotten, to hold of the said C. and T. by fealtie onely for all services. Yeelding and paying therefore yearely to the said C. and T. or to the survivor of them, their heires or assignes &c. s. of &c. that is to say, at the feast of &c. by even portions to be payed (with a sufficient clause of distresse to be contained in the said deed, for the payment thereof at the dayes and times aforesaid, with a Proviso also to be contained in the same deed.) That if it shall happen the said W. M. or the heires males of his body lawfully begotten, to suffer any recouerie against him or them of the said capitall messuage, or other the premisses, or any part or parcell thereof, or by any other waies or meanes make any alienation or discontinuance of the same premisses, or of any part or parcell thereof, and afterward shall happen to die without issue male of his body lawfully begotten, that then (that is to say) immediately after the decease of the said W. M. and the heires males of his body lawfully begotten, and after the said state taile made, as is aforesaid, the said deed indented spent, executed and determined, and not before, it shall be lawfull for the said C. M. and T. R. to enter or reenter into the said tenements and premisses, and them to have againe and repossesse to them and to their heires: the said deed indented, or any thing therein to the contrarie thereof notwithstanding. And also the said C. M. and T. R. for them &c. that they the said C. and T. their heires and assignes, within foure dayes next after the making of the same deed indented, and of the execution of the said estate of the said capitall messuage, and all other the premisses to the said W. and to the heires males of his body, as is aforesaid, by one other deed sufficient in the law, reciting the graunt by them made to the said W. M. and of the heires males of his bodie lawfully begotten, as is aforesaid, shall give and graunt the reuersion of the said capitall messuage, and all other the premisses, together with the yearly rent aforesaid to the said M. M. To have and

to

to hold the said reuersion of the same capitall messuage, and all other the premisses to the said H. M. his heires and assignes for euer. And the said W. M. for him &c. couenanteth &c. that hee the said W. in due forme and order of Law, shall vpon reasonable request to him to bee made by the said H. M. attorne tenant vnto the said H. M. of the premisses, and shall pay to him, his heires and assignes the said yerely rent to be reserued by the said deed inuented, and to bee granted to the said H. M. his heires and assignes, as is aforesaid. And also shall permit and suffer the said H. M. his heires and assignes, lords of the reuone of the manno^r of B. aforesaid, yearely at two seuerall times in the yeare, that is to say, in one day betweene the feast of &c. and in one other day betwixt the feast of &c. vpon reasonable warning giuen to them of the said day, to keepe his Court for his tenants of the said manno^r of B. in the Hall of the said manno^r, without let or disturbance of the said W. M. and of his heires males lawfully begotten, or of any other person or persons by his consent, procurement, or commandement. Furthermore, the said E. M. and T. B. for them &c. that the said capitall messuage &c. at the time of the making of the said estate, to &c.

A Couenant to sell but to the vendee.

AND the said J. R. doth couenant &c. that hee the said J. or his heires, if within one whole yeare next after the death of the said R. his mother, the said J. his heires &c. shall not well and truely pay paid vnto the said M. his heires, administrators &c. the said summe of &c. and shall make or cause to be made one good, sure, sufficient, absolute, and indefeasible estate or assurance in the law in fee simple, of, and in all the aboue bargained tenements and premisses, and euery part thereof with thappurtenances vnto the said M. S. his heires or assignes, or to such other person or persons, as the said M. his heires or assignes shall name or appoint, to his and their owne only proper vse and behoofe for euer &c. And also that neither the said J. R. nor his heires, at any time or times hereafter, shall, or will giue, grant, bargaine, morgage, sell, alien, set ouer, alter, discontinue, or depart with any part of any the measuages, lands, tenements, and hereditaments aboue herein mentioned to be bargained and sold, or where or hee the said J. now standeth and is seised to any person or persons, other then onely to the said M. S. or his heires, if the said M. or his heires will giue such price and prices for the same, as shall be set downe, made, and appointed by T. W. A. E. R. B. and M. S. or so many of them as shall happen to bee liuing at the time of such sale and alienation to be made, without the especiall Sect. 69.

licence of the said R.D. or his heires first had and obtained in writting.

A Couenant not to take aduantage of former couenants, if lands descended not, and to assure more lands to supplie the value.

Sect. 70. PRouided neuertheleſſe, and it is couenanted &c. That if the said lands, tenements, and hereditaments, before in theſe preſents limited to the vſe of the said C. as aforesaid, shall not be, continue, remaine, and come to the said C. from and after the death of the said R.D. of the cleere yerely value of one C. marks, ouer & aboue all charges and repriſes (as is aforesaid) That then the said I. and H. nor either of them, nor the executors nor administrators of either of them, shall take any benefit or aduantage of that part of the couenant before mentioned in theſe preſents, whereby the said R.D. did couenant and agree, that the said lands, tenements, and hereditaments, before assured to the said C. and the said heirs males of her body (as is aforesaid) should be or continue, of the cleere yerely value of one C. marks aboue all charges and repriſes, if the said R.D. his heirs, executors, or assignes, or any of them ſo often as the said lands, tenements, and hereditaments, with the appurtenances, shall become of a leſſer yerely value, ouer and aboue all charges and repriſes, than of the yerely value of a hundreth marks, shal and will at the coſts and charges in the law of the said R. his heires, executors, or assignes assure to the said I.D. and H.P. and to their heirs to the vſes before erpreſſed, other lands, tenements, and hereditaments with thappurtenances: which said other lands, tenements, and hereditaments, together with the lands and tenements before in theſe preſents assured, to the vſe aforesaid, shall and may be of the yerely value of one hundreth marks, ouer and aboue all charges and repriſes, within two months, next after requeſt to be made to the said R. his heirs or executors, by the said I.D. and H.P. or either of them, their heires, executors, or assignes.

A Couenant for the shewing of euidences, for the maintenance of anothers interest.

Sect. 71. FVrthermore, the said R.D. couenanteth and graunteth &c. to and with &c. by theſe preſents, that the said R.D. and his heires, shall at all time and times hereafter, when, where, and as often as need shall require, for and during the space of 1. yeres, next ensuing the date hereof, vpon reaſonable requeſt to him or them hereafter to bee made by the said R.D. or his heires, or at the coſts and charges of the said R.D. his heires or assignes, or some of them, shew all ſuch euidences, charters,

charters, writings, escripts, escrowles, deeds, court rolls, customaries, transcripts of fines, exemplifications of record, and muniments, as doe in any wise touch or concerne the premisses, or any part thereof: Or as many of the same as shall be necessary or needfull for the maintenance of the state, interest, right, title, or possession of the said R. D. and of the heires and assignes of any of them, in, or to the premisses with the appurtenances, and euery or any part or parcell thereof.

A Couenant to deliuer Writings vpon notice or suit.

AND the said P. L. &c. doth couenant &c. that if it shall fortune hereafter the said J. B. and J. L. or any of them, to be sued or impleaded by any maner of suit or action, without the consent of them the said J. B. and J. L. for the lands, and tenements, in these presents comprised, or any part or parcell thereof, or for, or touching any the issues and profites of the same: then the said P. L. his heires or assignes, vpon reasonable warning and motion to him or them giuen therof by the said J. D. his heires, executors, or administrators, shall deliuer or cause to be deliuered to the said J. B. any J. L. or to the survivor of them, or their heires, all such deeds, euidences, writings, charters, terrars, and muniments, touching or concerning the forsaid lands, tenements, and hereditaments, for the only purpose and intent, that they therewith shall and may the better defend, maintain, and preserue their titles, interests, vses, possessions, and occupations together, and taking the profits thereof against all persons: So that the same deeds and other writings be safely deliuered againe vndefaced and vncancelled vnto the said P. L. his heires and assignes in conuenient time, &c. Sect. 72.

A Couenant to leaue vpon Mills furnished, in default of payment.

AND further, if the said D. R. his heires, executors, or administrators faile, or make default, of, or in payment of the said summes of &c. in part or in all, contrary to the forme aforesaid, That then the said D. R. his heires, executors, and administrators, and euery of them, shall not onely leaue vnto the said R. B. his heires, executors, and assignes, to his and their owne vse, all such forges, mills, waters, and all other ingins and necessaries as be now vsed and had, by the said D. R. his executors or assignes vpon the premisses, or any part thereof, about the getting or making of yron, there, without hurting, spoiling, or impairing, or defacing the same, or any part therof, & without any reclaim, suit, challenge, or demaund therefore to be made be the saide D. R. his heires, Sect. 73.

heires, executors, farmers, tenants, or assignes, or any of them, or any other to his or their vse.

A Couenant to bee seised to the vse of lessees performing Couenants.

Sect. 74. And it is granted &c. by all the said parties, that the said conueyances and assurances by these presents couenanted and agreed, to bee made of the premisses before mentioned, vnto the sayd I.C. and R.H. shall as concerning the lands and tenements, and other the premisses in forme aforesaid, be demised and granted. And that I.C. and R.H. and the suruiuor of them, and their heires, and the heires of the suruiuor of them, shall stand and be seised thereof, to the vse of such person and persons, to whom any such demise or lease shall bee made, during the continuance of any such demise or lease, according to the true meaning and effect of these presents, and euery such Indenture. So that such lessees and grantees during his or their seuerall lease or leases, grant or grants, the rents reserued and expressed, in, and by the Indenture of his or their said lease or grant, do pay or cause to be paied to such person or persons, to whom the immediate reuersion or remainder of the said premisses so demised or leased, shall by the purport and true meaning of these presents belong or appertaine. And doe also performe the conditions, couenants, and grants, according to the purport and true meaning of his or their Indentures of lease, and that as well concerning the reuersion or reuersions, remainder or remainders of the same premisses so to be leased and granted, and of the rents, duties, and seruices thereupon to bee reserued, or to the same reuersion or reuersions, remainder or remainders incident, due or payable by reason of euerie such lease or grant, during the continuance of the same interest, as also after the expiration and determination of euerie such leases or grants, the said assurance thereof shall bee, and the said I.C. and R.H. and the suruiuour of them and their heires, and the heires of the suruiuour of them, shall bee seised thereof, to the onely vse and behoofe of such person and persons, to whom the same premisses in forme aforesaid to be leased and graunted, should by the purport and true meaning of these presents haue descended, remained, reuerted, or come, if no such lease or grant had thereof bin made or granted, and that of like estate and course of inheritance with such remainders, in like and in the same order and degree, and in such maner and forme to all intents and purposes, as if no such lease or grant had bin thereof had or made: any thing in these present Indentures to the contrary notwithstanding.

Couenants of an Vndersherife to execute his office, and to saue the high Sherife harmeleſſe.

THis Indenture made &c. betweene F. S. &c. Sherife of the counties of W. and L. of thone party, and A. G. of A. &c. on thother partie, Witneſſeth, that it is couenanted &c. that is to ſay, the ſaid F. doth by theſe preſents ordaine, conſtitute, depute, and make the ſaid A. G. to be his Vndersherife in the ſaid counties of W. and L. and to haue, occupy, and enioy the ſaid office of Vndersherife there, to the ſaid A. during all ſuch times as the ſaid F. ſhall continue and be in authoritie of the office of the ſaid Sherife of the ſaid counties of L. and W. by vertue and authoritie of our ſaid Soueraigne Lady the Q. letters patents, of the Sherifes office there to him directed, bearing date &c. And alſo the ſaid F. doth by theſe preſents graunt &c. to the ſaid A. that he ſhall and may take and haue during the ſaid terme, all manner of farmes, rents, fées, rewards, and profites, lawfully to the ſaid office of Sherife, or office of Vndersherife, or for ſerning, executing, or returne of any manner of writs, warrants, precepts, or proces in the ſaid Counties of L. and W. belonging or appertaining. And alſo all felons goods and eſcheats that ſhall happen to be lawfully, due to the ſaid Sherife during the ſayd time, within the ſaid counties of W. and L. And the ſaid F. doth by theſe preſents graunt, aſſigne, and depute to the ſaid A. the lawfull order, cuſtody, and gouernment of all and ſingular maner of gaoles, priſons, and of the priſoners now or hereafter to be therein, to be lawfully and duly ordered, kept, and demeaned by the ſaid A. or his deputy or deputies, ſeruant or ſeruants, during the terme that the ſaid F. ſhall haue the ſaid office or the cuſtody, order and gouernment of the ſayd gaoles, priſons, and priſoners, by vertue and authority of the ſaide office of Sherife, and letters patents aforeſaid. In conſideration whereof the ſaid A. doth by theſe preſents graunt, to and with the ſaid F. that he the ſaid A. and his aſſignes, ſhall at all and ſingular time and times, from time to time, after the date of theſe preſents, conſerue, diſcharge, eronerate, ſaue harmeleſſe, and acquite the ſaid F. his heires, executors, adminiſtrators, & aſſignes, and euery of them, and the ſureties of them and euery of them, of, for, and from all, and all manner of forfeitures, paiments, and fines, paines, penalties, amerciaments, charges, leaſes, iſſues, damages, incumbrances, and demands whatſoeuer, in any wiſe, in any court, or elſewhere, to be ſet, paid, and ſuſtained, ſuffered, or had to our ſaid Soueraign Lord and Lady the K. and Q. Maieſties, and the heires and ſucceſſors of them, or to any other perſon or perſons in any wiſe,

Sect. 75.

wise, for and vpon any escapes, executions, or returnes of writs, commissions, prime Seales, proclamations, processe, precepts, scales, and warrants, by any waies, manner, or meanes, to, or vpon the said F. for, vpon or vnder the said office of Sherife in any wise directed, named, or had, for any act, matter, default, office, or thing, to be committed, done, neglected, or suffered, perpetrated, or had by the said A. or any of his said seruants, ministers, deputies, or assignes, during the time that the said A. shall continue in their said authoritie or office, or any of them. And also the said A. in consideration aforesaid, doth by these presents graunt, that the said A. shall duely pay, enter into, or make perfect, finish, acquite, and discharge, for and in the behalfe of the sayd F. in the Q. u. court, now commonly called the Eschequer, and elsewhere, all and singuler, and all manner of profites, rents, debts, duties, and demaunds, accompts, costs, charges, fees, recognisances, and bonds, for or vpon the said Sherife, or any his sureties, or by reason or meanes of the said office of Sherife, of, and in the said Counties of W. and L. or either of them, or of any officer or minister of the said Sherifes office in any wise due or demaundable, during the time that F. shall haue the said office of the said Sherife. of the said counties of W. and L. or to be accomptable thereof. And that the said A. shall daily, lawfully, and in conuenient time by himselfe, or his assignes, bring vnto the said F. his heires, executors, or administrators, his and their lawfull acquitãce and discharge for the accompts and duties of the said Sherifes office of both the said Shires of W. and L. for the time that the sayd F. shall haue beene Sherife there by the said Letters patents. And the said A. C. doth by these presents grant, to, and with the said F. that the sayd A. shall well and worshipfully make, prouide, sustaine, and maintaine at all and singular times, during the time that the said F. shall haue the said office of Sherife of the said countie of W. by the said Letters patents, conuenient and competent meate, drinke, lodging, food, sustenance, and intertainment of the Iustices of Assises, Iustices of gaole deliuerie, and the Clerks of Assises, and for all and euery their Clerkes, ministers, and seruants of any the Iustices and Clerkes, and for the horses and moiles of them, and euery of them, and for all other attendants, at and about the said Iustices of Assise, or gaole deliuery, at, or within the said counties of W. and L. during the said time and times, at and by the ouersight and appointment of the said F. or such other person or persons, as the said F. shall thereunto nominate and assigne. Prouided alwayes, and it is graunted and agreed by these presents, betweene the said F. and A. that the said A. or any other person in his

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behalfe, shall not make or returne any other panell, iurie, or inquest, for, in, or vpon any writ of Venire facias, or of any other processe pursued, directed, or had, during the time of the said Sherife of the Countie of W. out of any the Mu. Maiesties Courts, commonly called the Chauncery, Kings Bench, Common Place, or Erchequer, vnlesse the same panell, iurie, or inquest shalbe consigned with the hand of the said F. or of some other party that hee shall nominate or appoint. Nor the said A. nor any person in his behalfe, shall in any wise do, or cause to bee done, without the speciall licence of the said F. S. first obtained and plainely had, done, or appointed, any act, matter, or any thing vpon any writ, commission, action, presentment, iudgement, indictment, processe, or suit, that in any wise, manner, or meanes shall be, for, or against any of the Earles of S. H. &c. or any of them, or for, or against any other person or person, that is, or hereafter shall be knowne or declared to the said A. by the said F. to bee his friend, And it is also prouided and agreed by these presents, betweene the said F. S. and A. G. that the said F. shall and may make, ordaine, constitute, and appoint from time to time during the time of his office by the said letters patents, such persons, which during that time, haue, occupy, and inioy the y. bailywikes, and offices of Bailies, of, and in the Hundreds of R. and H, and either of them with thappurtenances in the county of W. aforesaid, and that the same persons shall haue, take, occupy, and inioy the said Bailiwiks, and either of them, together with all and singuler maner of profits, commodities, and aduantages with thappurtenance appendant to the same Bailiwikes, or either of them, in any wise concerning, growing, belonging, or during the time, ouer and besides that shall bee to the Mu. maiestie: any thing in these presents contained to the contrary in any wise notwithstanding. And the said F. doth moreouer graunt by these presents to the said A. that hee the said F. & his assignes, shall in due and conuenient time, as shortly and conueniently as may be after the time of the said office ended, accompt and declare to the said A. G. or his assignes, at the said mannor of S. H. the true value and rent of all and singuler rents, reuennes, duties, and forfeitures, due to be paid, and then leuied or leuiable to the Quenes Maiesties vse or behalfe, within the county of L. for, vpon, in, or by the office of Sherife there, during the time that the said F. was, as is aforesaid, Sherife there, and so much of the rents, reuennes, duties, and forfeitures that the sayd F. or his assignes shall pay, or cause to be payed then to the said A. as the same F. or any other person to his vse then hath receiued, and all the residue of the said rents, reuennes, dueties, and forfeitures

there,

there, which conueniently shall bée leuied, the same shall cause to bee payed, to the said A. or his assignes, so shortly and spéedily as may bee, after that time they shall conueniently be leuied and gathered there. And the said A. doth by these presents couenant and graunt, that the said F. his executors and assignes, shall within fortie daies next after the said accompts for the sayd office of the Sherifs of the sayd Counties of W. and L. finished or determined, paie, or cause to bee paied well and truely to the said F. S. his executors or assignes, all manner of allowance, profites, commodities, and aduantages, that in any wise shall bée admitted, deduced, or allowed in the said accompt or accompts, or by any part thereof in the said Eschequer for the diet of any the Iustices of assise, or gaole, or any of their Clerkes, seruants, or attendants, in either of the said Counties, or for any Mayle of reward, or for any summons of Præcipe, or of any greene ware, or of any such like matter or thing, in either of the said Shires of W. or L. And also the said A. doth by these presents graunt to the sayd F. that he the sayd A. at least in one day in euerie one and twentie daies, during the time that hée shall bee Undersherife, as is aforesaid, and personally bée in, or neare vnto the said County of W. shall come thence vnto the said F. and on that one day, vtter and declare the state of the said Countie of W. and the affaires concerning the said office with the appurtenances thereof. And that also the said A. with all his Officers and Ministers, and power of the said Countie, shall duely and diligently attend to the said office, if any warre, rebellion, or other notable matter or occasion during the time of the said office shall arise or bée in either of the said Counties of W. nor L. or thereabouts. And also that the sayd A. shall well and diligently, honestly and iustly, occupie, serue, and execute the said Office of Undersherife of the said Countie of W. and honestly behaue himselfe in all points, during all the said time that the said F. shall continue and bée High Sherife of the said Counties of W. and L. by vertue of the said letters patents, and nothing done by himselfe, or any other person or persons, in any wise concerning the sayd Office of Sherife, or Undersherife of the said Countie of W. which shall bée to the dishonor of the said F. And also that these alterations of matters, articles, and things, in these presents in any wise mentioned or contained, may and shalbe reformed and had at any time from time, to time by the learned counsell of the said F. for the better and more perfect discharge and saning harmeles of the said F. his heires and executors vpon the premisses, or any of them, which the said A. graunteth

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by these presents, by, and in all things to obey, performe, and fulfill. In witnesse whereof &c.

A Couenant to make a Lease by fine of Copihold lands for yeares.

THis Indenture made &c. Betweene E.C. and E. his wife, of the one partie, and H.W. on the other party. Witnesseth, that whereas the said H.W. as Copiholder, and tenant by copie of Court roll vnto the said E.C. and E. his wife, as of their manor of C. aforesaid, hath and holdeth to him and to his heirs, after the custome of the said manor, one messuage with certaine houses &c. set, lying, and being &c. The said E C. and the said E. his wife, for, and in consideration as well of the performance of certaine couenants, grants, articles, and agreements, mentioned and contained in a paire of Indentures, had and made betweene the said E.C. and the said E. his wife, on the one party, and H.W. on the other partie, as for the sum of an C.li. of lawfull mony of England, to the said E.C. before hand paid: hath demised, granted, and to farme letten vnto the said H.W. all and singular the said messuages &c. and all and singular the premisses before recited with their appurtenances. To haue and to hold the said messuages &c. and all and singular other the premisses with their appurtenances, vnto the said H.W. his executors and assignes, without any impeachment of any waste, from the feast of &c. vnto the end and terme of viij. yeares then next ensuing, fully to bee compleate and ended. Yeelding and paying yearely vnto the said E.C. and E. his wife, and to the heires of the said E.C. the summe of &c. of lawfull money of England: (that is to say) for the said messuages, land, and tenements, with their appurtenances, in the tenure of the said H.W. twentie shillings &c. And for the lands and tenements in the tenure of &c. vij. shillings &c. all which maketh vp the said summe of &c. The said yearely rent to bee yeately payed at the feasts of Saint Martin in Winter, and Pentecost, by euen portions. And if it shall fortune the same yearely rent of &c. As in clauses of distresse. And the said E.C. and E. his wife, for themselues &c. doe couenant &c. to and with the said H.W. his executors and assignes, that the said E.C. and the sayd E. his wife, by fine in due forme of Law to bee leuied, shall at the costes and charges of the said H.W. assure and conuey, or cause to be assured and conueyed the said messuages, lands and tenements, and other the premisses, by these presents demised and letten to the said H.W. his executors and assignes, for and during the said terme of eight yeares, in manner and forme, as

Sect. 76.

as shall be deuised and aduised by the counsell learned of the said H. W. vpon which grant and render the said seuerall rents before mentioned, shall be seuerally reserued, in maner and forme as is before in these presents mentioned.

A Couenant that the feoffor hath done none acts, but that he is seised, and so will continue.

Sect. 77. AND the said R. F. doth further couenant &c. that he the said R. F. hath not done, nor suffered to be done, any act or acts, thing or things, but that the said F. is now lawfully seised to his owne onely vse, of, and in the said tenement and premisses. and euery part thereof, with the appurtenances, of so good, sure, absolute, & indefeasible estate in the law in fee simple, as he the said F. hath by the gift and graunt of the said R. C. and so will stand, remaine, continue, and be therof so seised vntill the same be sufficiently conueyed and assured vnto the said R. R. his heires and assignes, according to the true meaning hereof &c.

A Couenant for quiet enioying in a speciall maner.

Sect. 78. THat the said R. P. and G. and euery of them, and euery other person and persons, vnto whom any vse, interest, estate, or title, in or to the said mannors, messuages, lands, tenements, hereditaments, and premisses with the appurtenances, or of, in, or to any part thereof, as is aboue in these present Indentures limited, appointed, intended, or meant, shall and may peaceably and quietly haue, occupy, and inioy such, so many, and so much of the said mannors, messuages, &c. as is by these presents to him, her, or them limitted, appointed, intended, or meant, during and according to his, her, or their seuerall vses, interests, estates, and titles therein, and according to the true meaning of these presents, without any lawfull let, suit &c. of &c.

A Couenant not to sell lands but to T. R. without his licence.

Sect. 79. AND the said R. and L. couenant &c. That neither they the saide R. and L. nor the one of them, at any time hereafter during the life naturall of the said T. R. shall ne will giue, graunt, sell, discontinue, conuey or assure, in fee simple, or fee taile, any messuages, cottages, lands, tenements, medowes, pastures, rents, reuersions, remainders, seruices, or hereditaments, scituate, lying or being &c. (other then the aboue sold premisses) wherein they, or either of them, the day of the date of these presents, haue any estate of inheritance, in possession, reuersion, remainder, or in vse, nor the reuersion or remainder thereof, or of any part thereof, nor charge nor incumber the same, nor any part thereof, to any person or persons, other then to the said T. R. or his

his heires, or to such other person and persons, and their heires, as hee the said L.K. or his heires, shall for that purpose name and appoint, &c.

An Indenture betweene the Master of the Court of Wardes, and Liueries, and the Heire, vpon Liuerie to be sued.

THis Indenture made &c. Betweene the right honorable Sir W.C. knight, L.B. Lord Treasurer of England, and Master of the Mu. Maiesties Court of Wardes and Liueries, and L.S. Esq. Surueyor of the same Liueries, for, and in the name and behalf of our said soueraign Lady the Queene on the one party. And P.C. sonne and next heire of I.C. late of W. in the County of P. yeoman deceased, on the other partie, witnesseth, that whereas our said Soueraigne Lady is agreed to graunt vnto the said P. a generall Liuerie to be had, of, and in all such Lordships, manors, lands, tenements, rents, reuersions, seruices, and other hereditaments, with the appurtenances, which to the said P. descended and came, in vse, possession, or reuersion, from the said I. as sonne and heire of the said I. as in the said generall Liuerie more plainely it is contained. Neuertheless, for that our said Soueraigne Lady should not be deceiued, but that her grace should haue perfect knowledge and vnderstanding of all those lordships, manors, lands, tenements, rents, reuersions, seruices, and other hereditaments, and the yearely value of the same, whereof the said P. willeth and intendeth to take any aduantage, benefit, profit, or commoditie, by reason or colour of the said generall Liuery. And also to the intent our said Soueraigne Lady should not bee deceiued of any other lordships, manors, lands, tenements, and other hereditaments, which beene descended and come to the said P. by and after the death of the said I. in possession or reuersion, or in vse of possession, or in vse of reuersion: Or of any lordships, manors, &c. which haue bin put in any feoffement, fine, or recouery, to any person or persons, to the vse of any of the ancestors of the said P. whose heire he is, for the performance of any will, or otherwise, in vse, possession, or otherwise, which shall, may, or ought to descend remaine, reuert, or come vnto the said P. or his heires, after any such will performed, or vse thereof determined, or of any Lordships, &c. whereof the reuersions descended and came vnto the said P. by and after the death of the said I. The said P.C. hath deliuered the day of the date hereof vnto the said W.C. L.B. Lord Treasurer of England, one writing in parchment inuented, hereunto annexed, in which the said P. couenanteth and promiseth, that there shall be contained

Sect. 80.

fained and specified, all those Lordships, &c. with the yearely values of the same, which the said W. willeth or intendeth to haue, or shall haue out of the Queenes Maiesties hands or possession by the said generall Liuerie. And also of all those Lordships, manors, &c. and other hereditaments, and the yerely value of the same, which haue been put in any feoffement, fine, or recouerie, and other conueiance, whereof the immediate vse of the possession, or whereof the vse of the reuersion of the possession is descended and come vnto the said W. by and after the death of the said I. or whereof those by and after the death of any tenant or tenants for terme of life, or after any other estate, will, intent, or vse thereof determined, shall, may, or ought to discend, reuert, or come vnto the said W. and his heires, or to the heires of his body lawfully begotten, or any other of his heires. And that the said Lordships &c. in the same writing indented, mentioned and comprized beene there valued to the vttermost and best value. And ouer that, the said W. C. couenanteth and graunteth for them, their heires, executours, and assignes, to and with the said M. Lord B. Lord Treasourer of England, and L. S. that one Auditor or Auditors by our said Soueraigne Lady to be assigned, or Auditor of the Queenes Maiesties Court of Wardes and Liueries for the time being, shall at the cost and charges of the said W. and at such time as it shall please our said Soueraigne Lady, her heires and successors Kings of this Realme, or the said Maister of the Queenes Court of Wardes and Liueries, and Surueyor of the same Liueries for the time being, to appoint, or otherwise to search, view, and value the true value of the same. And that if vpon any search, view, and value thereof to be appointed by our said Soueraigne Lady, or by the Maister of the Queenes Court of Wardes and Liueries, and Surueior of the same Liueries, it can be proued, that any Lordships, Manors, &c. and other hereditaments, and the yearely value of the same, whereof the said Maister, or any other to his vse taketh, or hereafter shall or may lawfully take any aduantage, benefite, profit, or commoditie, by reason or colour of the said generall Liuerie, be omitted and not contained and specified in the same writing indented hereunto annexed: Or else if that any Lordships, &c. in the same writing specified, be of more better and larger yearely value, then in the same writing is limitted: Or else, if that any Lordships, &c. which were of the inheritance of the said I. and which by and after his death discended and came vnto the same W. in his possession, or otherwise, be omitted or vnder valued in the same writing, then our said Soueraigne Lady shall be, by the said

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W. his

M. his executors or assignes, truly inuested and inforced vpon the yeerly value of all those lordships, mannors, lands &c. so omitted or vndervalued. And also of all and euery of the said lordships &c. to the said writing, that hee or shall happen to be vndervalued, and that from the death of the said A. vnto the triall and knowledge of the same. And euer that, the said M. C. couenanteth and graunteth for him, his heires, and executors &c. and with the said Wil. Lord B. Lord Treasorer of England, and T. S. that for the concealement and offeure in that behalfe, if any such shall appeare or be proued, the said M. C. shall content and pay vnto our said soueraigne Lady, the double of one yeares value of all those Lordships &c. so omitted or vndervalued, vntill such time as the said M. shall haue agreed to and with the said Wil. Lord B. Lord Treasorer of England, and T. S. or other Officers of the Queenes Maiesties Court of Wardes and Liueries, and Surueyor of the saide Liueries for the time being, for the said value and ouerplus of the lands, tenements, and hereditaments so omitted or vndervalued. And shall find sufficient sureties for the payment of all such summes of money as shall be agreed by the said Master of the Queenes Court of Wardes and Liueries, and Surueyor of the same Liueries. And furthermore, the said M. C. couenanteth &c. to and with the said Wil. Lord B. Lord Treasorer of England, and T. S. that neither hee the said M. or any other person or persons for him, or in his name, or by his consent, shall vnquiet, molest, or disturbe, any tenant or tenants in dower, or for terme of life, in the name of Jointures, of their lawfull possession or interest, that they or any of them haue, of, in, or to any lands or tenements comprized in this Schedule indented hereunto annexed, or any part or parcell thereof. In witnesse whereof to the one part of these Indentures, remaining to and with the said M. C. the said Wil. Lord B. Lord Treasorer of England, and T. S. haue set their hands and seales: and to the other part of these Indentures, remaining to the Queenes vse in the said Court of Wardes and Liueries, The said M. hath set to his hand and seale the day and yeere first aboue written.

And the like of a speciall Liuerie, *Aduersis mutandis.*

Couenant of Marriage, and Ioynture to be made.

THis Indenture made &c. betweene M. and T. S. &c. Witnesseth, Sect. 81.
that it is couenanted, concluded, and agreed, by and betweene the said parties, in manner and forme following, that is to say: the said

Wil. B.

W. P. couenanteth &c. that R. P. &c. by the sufferance of Almightie God, shall espouse, marrie, and take to wife G. S. &c. and her espouse and wed after the Lawes of the Church of England, before the feast &c. if they so long shall liue, and the said G. S. will thereunto consent and agree, and the Lawes of God and holy Church will that permit. And the said M. S. doth likewise couenant &c. that G. S. &c. shall marrie and take to her husband the same R. P. &c. if &c. And the said W. P. for the considerations aboue said, and for a Ioynture vnto the said G. S. to bee had and made, for himselfe &c. doth couenant, graunt, &c. that the said W. P. or his heires, within one yeare next ensuing the date hereof, at the reasonable requests, costs, and charges in the Law of the said T. S. his executors or administrators, shall and will suffer T. W. and I. A. R. Y. and G. P. well and sufficiently to recouer to them and their heires for euer, all the mannors, messuages, &c. by writ of Entre sur disseisin en le Post. to bee had and prosecuted by them against the said W. P. before the Iustices of the Queenes Vsuelle that now is, her heires and successors, of the common Place for the time being, by the name or names of &c. or by the like name or names in effect, or by some other sufficient name or names, vnto which the said W. P. shall appeare in proper person, or by his Atturney or Atturnies, and vouch the common vouchée to warrantie, according to the vsuall forme and order of common recoueries in such cases heretofore vsed, and that the same recouerie shall be executed accordingly by Habere facias seisinam, and that hee will doe and suffer all and euery other thing, which in that behalfe shall be requisite or necessary. And the said W. P. &c. doth couenant &c. and it is the true intent and meaning of the said parties, and of these presents, that the same recouerie, so to be suffered, had and executed, as is aforesaid, and the estate of the said T. W. I. A. R. Y. and G. P. and euerie of them, and of the heires of them, and euery of them, of, and in the said mannors &c. by force of the said recouerie and execution thereupon to be had, shall be and inure. And the said T. W. I. A. R. Y. and G. P. the recouerers in the said recouerie to be named, and the suruiuor of them, and his heires shall stand and be thereof seised, to the onely vses, intents and purposes, hereafter in these presents mentioned, limited, and expressed, and to, or for none other intent or purpose: that is to say, of, and in all the said mannors of &c. except one messuage and all landes thereunto belonging to D. in the said Countie &c. to the only proper vse and behoofe of the said W. P. and his assignes, during and vntill the feast of &c. to the onely proper vse and behoofe of the said T. S. his executors,

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administrators, and assignes, during and vntill the full end and terme of foure yeares, then next and immediately ensuing, and fully to bee complete and ended. And immediately from and after the end and expiration of the said terme of foure yeares, to the onely proper vse and behoofe of the said R. P. and G. S. and of the heires of the body of the said R. lawfully begotten, and to bee begotten on the body of the said G. S. And for lacke of such issue of the body of the said R. P. on the body of the said G. S. lawfully begotten, to the vse of the said W. P. and of the heires males of his body lawfully begotten and to be begotten on the body of M. now his wife. And for default of such issue male, then to the onely proper vse and behoofe of the said W. P. and of the heires males of his body lawfully begotten and to bee begotten. And for default of such issue male, then to the onely proper vse and behoofe of the said W. P. and of the heires of his body lawfully begotten, and to be begotten. And for default of such issue, then to the onely proper vse and behoofe of the right heires of the said W. P. for euer. And of and in the said &c. before in these presents excepted &c. to the onely proper vse and behoofe of the said W. P. for and during the terme of his naturall life, and immediately after the death of the said W. P. to the onely vse and behoofe of the said R. P. and of the heires of his body lawfully begotten, and to bee begotten on the body of the said G. S. and for default of &c. (to such other vse as it shall bee agreed) and to, or for non other vse, intent, or purpose. And the said W. P. for himselfe &c. doth couenant &c. that hee the said T. S. his executors &c. shall and may haue (and so forth) to his or their owne proper vse, behoofe, and commoditie, from, and after the said feast of &c. for and during the space of foure yeares thence next ensuing, all the said mannors &c. which the said R. P. and G. S. or either of them now hath, or hereafter shall haue during the terme of foure yeares, next ensuing the said feast of (and so forth) without paying any rent, money, or other thing therefore, and without rendring of any account thereof or therefore, to any person or persons. And in consideration of the premisses, the said T. S. for him &c. doth couenant &c. that hee the said T. S. his executors or administrators, shall and will during the said terme of foure yeares, next ensuing the said Feast of &c. at his and their owne proper costes and charges, find and giue, or cause to bee found and giuen vnto the said R. P. and G. S. sufficient meate, drinke, lodging, and all other things necessarie for either of them, at such place and places, as vnto the said T. S. or his executors shall seeme most meete and conuenient, if the said R. P. and G. S. will thereunto consent and agree. And likewise

wife during the said time and space last before mentioned, at his and their like proper costs and charges, shall conueniently place and prouide for the said R.P. at some good Schole, or other conuenient place, where the said R.P. may bee taught, educated, and brought vp in vertue and learning, if the said R.P. will thereunto sufficiently endeauour himselfe, consent and agree. And ouer this the said W.P. couenaunteth and graunteth, that if the said Manor and other the premisses (except before excepted) bee not of the cleere yearely value of one hundred pounds, ouer all charges and expences, that the same W.P. then at the reasonable request of the same E.S. &c. or any of them, shall make, or cause to bee made like sure estate or estates, of and in other lands and tenements within the said Countie, of as much cleere yearely value, as the said manor and other the premisses (except before excepted) is vnder and lacking of the said yearely value of one hundred pounds, to the said E.W. &c. and their heires, to the vse before declared. And also shall suffer the said G.S. at her libertie and pleasure to marrie one E. her daughter, to any person that it shall please her. And dispose such money and profites, as shall fortune to bee graunted and promised for the marriage of the said E. the daughter, at the libertie and pleasure of the forsaid G.S. the mother, without contradition or disturbance of the said R.P. or any person by his commaundement, procurement, or assent. And that hee the said R.P. shall not receiue nor haue any money or reward for the said marriage. Moreouer, the said W.P. couenanteth &c. that if it fortune the said G.S. the mother, after the said marriage solempnized betweene her and the said R.P. to decease out of this world in the life of the same R.P. her husband, that then the said R.P. shall giue licence, power, and authoritie to the said G.S. before her death, to make a Testament, containing her last Will, and by the same Testament to giue, and dispose at her pleasure, of the goods and chattels of the said R.P. amounting to the value of a hundred pounds sterling. And that the said R.P. shall suffer such persons as the said G.S. shall name, to haue and to doe the execution and distribution of the same, according to her minde and pleasure. And that after her decease the said R.P. shall giue, deliuer, pay and procure to such persons as the same G.S. shall bequeath and appoint, to haue any of the sayd goods, extending to the said summe of an hundred pounds. Prouided also, and neuertheless it is couenaunted and agreed, by and betwixt the parties to these Indentures, that if should happen the said G.S. to die without issue of her bodie by the said R.P. lawfully begotten,

shall

gotten, before she shall accomplish her age of fortie yeares, that then from the death of the said G. S. so dying, before the said age of fortie yeares, without issue of her body lawfully begotten, the said T. W. his coseoffées shall stand and be seised to the vse of the said W. P. his executors, administrators, and assignes, of the said manor &c. during the life of the longer liuer of the said W. P. and P. from thencefoorth, that is to wit, from the day of the death of the longer liuer of them the said W. and P. the said T. W. and his said coseoffées to stand and be seised to the onely vse of the said T. S. his executors and assignes, of the said &c. during and vntill such time as he shall haue receiued the summe of CC. pounds of his rents and profits of the same rents, to bée accompted according to the yearely rent of the premisses. And that the said fine, recouerie, feoffement, and all and singular other assurances whatsoeuer to be had, made, knowledged, executed, suffered, and permitted, of the said lands, tenements, &c. shall be to the said seuerall vses aboue recited: any thing therein contained, or any other assurance to bée had or made concerning the premisses to the contrarie notwithstanding. Prouided furthermore, and likewise excepted, and if it shall happen, by reason of dissenting of either of the said parties, or both of them, at such time as they shall accomplish the age and yeares of consent, that the said mariage shall not, or doe not take effect, or if by reason of consent and agréement of both of the said R. P. and G. S. that the said mariage doe, or shall take effect, and then afterwards if it shall happen possibility of issue to be extinct, by death of the one, or both of them, or by any other waies or meanes, that then immediatly vpon such possibility of issue extinct, or that the said mariage shall not take effect in forme aforesaid, T. W. and other his said coseoffées and their heires, and the heires of the survivor of them, shall stand and be seised of all the said lands & tenements, and other the premisses as they then should happen to fall and come in course, in maner and forme aboue mentioned for yeares and terme of life only, whereby the said T. S. his executors or assignes, shall & may be fully satisfied and paid of the said summe of money to him before limitted by these present Indentures, according to the true meaning of the same, as is afore expressed, onely excepted to the vse & behoofe of the said W. P. his heires for euer: any thing herein contained to the contrarie thereof in any wise notwithstanding. And also the said W. P. for him &c. that if it shall happen the said P. daughter of the said T. S. to decease or die before she hath, or shall fully accomplish the age of viii. yeares, or before the said mariage had and solemnized betweene her and the said G. P.

wife during the said time and space last before mentioned, at his and their like proper costs and charges, shall conueniently place and prouide for the said R.P. at some good Schole, or other conuenient place, where the said R.P. may bee taught, educated, and brought vp in vertue and learning, if the said R.P. will thereunto sufficiently endeauour himselfe, consent and agree. And ouer this the said W.P. couenaunteth and graunteth, that if the said Manor and other the premisses (except before excepted) be not of the cleere yearely value of one hundred poundes, ouer all charges and expences, that the same W.P. then at the reasonable request of the same T.S. &c. or any of them, shall make, warraunte to bee made like sure estate or estates, of and in other landes and tenements within the said Countie, of as much cleere yearely value, as the said manor and other the premisses (except before excepted) is vnder and lacking of the said yearely value of one hundred pounds, to the said E.W. &c. and their heires, to the vse before declared. And also shall suffer the said C.S. at her libertie and pleasure to marrie one C. her daughter, to any person that it shall please her. And dispose such money and profittes, as shall fortune to bee graunted and promised for the marriage of the said C. the daughter, at the libertie and pleasure of the forsaid C.S. the mother, without contradition or disturbance of the said R.P. or any person by his commaundement, procurement, or assent. And that bee the said R.P. shall not receiue nor haue any money or reward for the said marriage. Moreouer, the said W.P. couenanteth &c. that if it fortune the said C.S. the mother, after the said marriage solemnized betweene her and the said R.P. to decease out of this world in the life of the same R.P. her husband, that then the said R.P. shall giue licence, power, and authoritie to the said C.S. before her death, to make a Testament, containing her last Will, and by the same Testament to giue, and dispose at her pleasure, of the goods and chattels of the said R.P. amounting to the value of a hundred pounds sterling. And that the said R.P. shall suffer such persons as the said C.S. shall name, to haue and to doe the execution and distribution of the same, according to her minde and pleasure. And that after her decease the said R.P. shall giue, deliuer, pay and execute to such persons as the same C.S. shall bequeath and appoint, to haue any of the sayd goods, extending to the said summe of an hundred pounds. Prouided also, and neuertheles it is couenaunted and agreed, by and betwixt the parties to these Indentures, that if should happen the said C. S. to die without issue of her bodie by the said R.P. lawfully begotten,

gotten, before she shall accomplish her age of fortie yeares, that then from the death of the said G. S. so dying, before the said age of fortie yeares, without issue of her body lawfully begotten, the said T. W. his cofeoffées shall stand and be seised to the vse of the said W. P. his executors, administrators, and assignes, of the said manor &c. during the life of the longer liuer of the said W. P. and P. from thencefworth, that is to wit, from the day of the death of the longer liuer of them the said W. and P. the said T. W. and his said cofeoffées to stand and be seised to the onely vse of the said T. S. his executors and assignes, of the said &c. during and vntill such time as he shall haue receiued the summe of CC. pounds of his rents and profits of the same rents, to bée accompted according to the yearely rent of the premisses. And that the said fine, recouerie, feoffement, and all and singular other assurances whatsoeuer to be had, made, knowledged, executed, suffered, and permitted, of the said lands, tenements, &c. shall be to the said seuerall vses aboue recited: any thing therein contained, or any other assurance to bée had or made concerning the premisses to the contrarie notwithstanding. Prouided furthermore, and likewise excepted, and if it shall happen, by reason of dissenting of either of the said parties, or both of them, at such time as they shall accomplish the age and yeares of consent, that the said mariage shall not, or doe not take effect, or if by reason of consent and agrément of both of the said R. P. and G. S. that the said mariage doe, or shall take effect, and then afterwards if it shall happen possibility of issue to be extinct, by death of the one, or both of them, or by any other waies or means, that then immediatly vpon such possibility of issue extinct, or that the said mariage shall not take effect in forme aforesaid, T. W. and other his said cofeoffées and their heires, and the heires of the survivor of them, shall stand and be seised of all the said lands & tenements, and other the premisses as they then should happen to fall and come in course, in maner and forme aboue mentioned for yeares and terme of life only, whereby the said T. S. his executors or assignes, shall & may be fully satisfied and paid of the said summe of money to him before limitted by these present Indentures, according to the true meaning of the same, as is afore expressed, onely excepted to the vse & behoofe of the said W. P. his heires for euer: any thing herein contained to the contrarie thereof in any wise notwithstanding. And also the said W. P. for him &c. that if it shall happen the said M. daughter of the said T. S. to decease or die before she hath, or shall fully accomplish the age of viij. yeares, or before the said mariage had and solemnized betweene her and the said G. P.

that then the said T. S. his executors or assignes, during the space of fiue yeares, from thenceforth next and immediatly following or ensuing the death of the said T. S. shall and may quietly perceiue, leuie, and take the rents, issues, reuennes, and profits of the said manors, lands, tenements, and other the premisses with their appurtenances, And ouer this the said P. W. for him &c. couenaunteth &c. that such manors, lands, and tenements, whereof the said W. P. now is seised in possession or reuersion of any estate of inheritance, and not before in these present Indentures otherwise expressed, limited, or declared, which to the said W. P. descended or came, in possession, reuersion, or vse, from any of the ancestors of the said W. P. immediatly from and after the death of the same W. P. shall descend, reuert, or come vnto the said W. P. in possession or reuersion of such estate of inheritance, as the said W. P. hath therein, if the said mariage take effect, the said manors, lands, tenements, and hereditaments at the time of the death of the said W. P. being clerely discharged and exonerated of all and euery former bargaines &c. Except &c. In witnesse &c.

Hereunto may be added such Couenants of being seised, and owner, of quiet enioying, and sauing harmles, or to be seised to the vses aforesaid after the said mariage, and such like, as are needfull, according to the agreement of the parties, with all necessary exceptions and conditions.

Couenants of Mariage.

Sect. 82. THis Indenture &c. Witnesseth, that in consideration of a Mariage &c. The said T. T. couenaunteth &c. that he the said T. T. at any time during the Mariage betweene the said T. and the said E. will not alien, sell, giue, graunt, or otherwise dispose, eslonigne, marrie, or defeate the wardship of E. R. sonne and heire of P. R. deceased, to any person or persons, from the said E. except it bee by the assent and agreement of the said E. And the said T. T. further couenaunteth &c. that neither the said T. T. nor any other person or persons, by his procurement, at any time during the said Mariage, shall doe or make any voluntarie waste, or sale, of, or in any of the woods or houses, whereof the said E. is now seised or possessed, except it bee by the assent or agreement of the said E. And also the said T. T. couenanteth &c. that hee the said T. T. at any time during the said mariage, shall not bargaine, sell, giue, graunt, or otherwise alien any lease, leases, or farmes, which the said Eliz. hath or possesseth, the day of the date of these presents, except it bee by the assent and agreement of

the

the said E. And the said T.T. further couenaunteth &c. that yet the said T.T. at such time and times as the said E. shall appoint, shall pay, or cause to be payed, of the legacies bequeathed by W.S. sometime husband to the said E. such, and so much, and in such manner, as the said E. shall assigne and appoint, in writing subscribed with her hand, at any time during the said marriage. And also if the said E. shall in writing subscribed with her hand, assigne or appoint that the said T.T. to pay to the saide E.R. the summe of two hundred pounds of lawfull money of England, or any lesse summes of money, that then the said T.T. his heires, executors, administrators, or assignes shall satisfie and pay, or cause to bee paied, to the said E. her executors or assignes, the said summe of two hundred pounds, or such other lesse summe of money, as shee the said E. in writing, subscribed with her hand at any time during the said marriage, shall assigne and appoint the said T.T. to pay, and at such time and times, and manner and forme as the said Eliz. by the same writing subscribed with her hand, shall assigne and appoint. And the said T.T. also couenaunteth and graunteth, for him &c. That he the said T.T. or his heires, within two yeres next ensuing the date hereof, shall assure and conuey, or cause to bee assured and conueyed by good and sufficient assurance and conueiance in the law to the said E. for terme of her life, or to other person or persons, or their heires, to the vse of the said E. for terme of her life for her ioynture, such manors, lands, and tenements, with the appurtenances, and of her the premisses in the said countie of D. which shall amount to, and be of the full and cleere yearely value of one hundred pounds, of lawfull money of England, ouer and aboue all charges and reprises. And also if it shall fortune the said E. to suruiue and ouerliue the said T.T. that then the said T.T. shall as well leaue the said E. worth as much debts, goods, and chattels, and other substances, as the said E. shall at the time of the marriage be cleerely worth: As also giue, graunt, bequeath, or otherwise assure, to leaue to the said E. ouer and aboue the said debts, goods, chattels, and other substances, as much goods, chattels, and other substance, as shall amount to the value of 1. thousand marks of lawfull money of England. Prouided alwaies, that if the said T.T. at any time during the said marriage, shall by the assent in writting of the said E. subscribed with her hand, purchase any lands, tenements, or hereditaments, that then so much of the debts, goods, chatels and substance, which the said T.T. by these presents hath couenanted to leaue, assigne, or assure vnto the said E. as the summe or summes of money so to bee paied, for, or by reason of the said purchase

or purchases shall amount vnto, shall be detalked, deducted and foorth risen out of the said debts, goods, chattels, and substance so couenanted to bee left, graunted, or assured vnto the said E. and out of the value of the same, shall the said T. T. his heires and assignes, to bee of so much thereof discharged, any thing in these presents to the contrarie notwithstanding. And the said T. T. also couenanteth, that he the said T. T. shall suffer as well all mannors, lands, and tenements, whereof the said T. T. now at this present is seised of any estate of inheritance, as also all other mannors, lands, tenements and hereditaments, that at any time hereafter the said T. T. shall fortune to haue by discent from any of his auncestors in possession, reuersion, or remainder, or otherwise to discend, remaine, or come in possession, reuersion, or remainder, to the heires males of the said T. T. which shall be begotten of the body of the said E. T. cleerely exonerated and saued harmelesse &c. of &c. And this further bounden and couenanted &c. that it shall be lawfull for the said T. T. during his life, or by his last will and testament, to demise, graunt, bequeth, or dispose by the assent and agreement of the said E. to their children, which the said T. T. shall beget of the bodie of the said E. or to any of them for terme of their lifes, or for terme of life of any of them, any part or parcels of the said mannors, lands, &c. (except before excepted) any couenants, graunts, &c. before mentioned, to the contrarie in any wise notwithstanding. And it is also further couenanted &c. that where the said T. T. by his writing obligatorie, bearing date of these presents, standeth bounden and bound vnto the said &c. in the sum of M. markes of lawfull money of England, with condition thereupon endorsed, for the performing and fulfilling of all and singular the articles, couenants &c. herein contained, on his part to bee obserued and kept, as by the said writing obligatorie it both more plainely appeare, if in writing subscribed with the hands of the said E. at any time during her life, it shall bee declared and expressed, that the said writing obligatorie from thenceforth shall bee void, or that she the said E. would haue the said writing obligatorie to be voyd, that then, and from thenceforth the said writing obligatorie shall be vtterly void and of none effect. Prouided alwaies, that if at any time hereafter it shall be declared in writing, subscribed with the hand of the said E. that her meaning or intent is, that any couenants, graunts, articles, or agreements in these presents mentioned, shall be void and of none effect, that then and from thencefoorth, such and so many of the said couenants, articles, and agreements, as shall bee expressed, mentioned or contained in any such declaration, shall be from thencefoorth vtterly void and of none effect: any thing

in these presents contained to the contrarie in any wise notwithstanding. Prouided alwaies, that it is fully agreed, by and betweixt the said parties to these presents, that it shall be lawfull, to and for the said L. L. by the assent, consent, and agreement of the said E. to alien, sell, or exchange, any part or parcell of the said manors, lands, tenements, or hereditaments, except the mansion house, or capitall messuage of H. in the Countie of &c. and the demeane lands of H. aforesaid, and all lands, tenements, and hereditaments, accompted, reputed, or occupied as demeane lands of H. aforesaid, at any time within 60. yeares last past before the date hereof: And also except the said Messuage &c. So alwaies, that the said L. L. and his heires, by reason of the said alienation, sale, or exchange, do and shall receiue, take, and haue in lieu and recompence thereof, other lands, tenements, &c. so much in quantitie, and of so much yearely value, or better, and like estate or better, as the said lands so alened, sold, or exchanged were of, to all respects and purposes. Prouided alwaies, that it shal be lawfull, to and for the said L. L. by his sufficient writing indented, sealed with his seale, and lawfully executed, to demise, graunt, and let to ferme, all and singular the premisses with thappurtenances, or any part or parcell thereof, except such as be, or shall be assured to the said E. for her Ioynture, and except the said messuage, lands, &c. to any person or persons, for terme of three liues, or vnder, or for fyfteene yeres or vnder, in possession only and not in reuersion, so that the auncient yearely rents, customes, and seruices, or more be reserued or payable vpon euery such demise, or lease, to haue continuance during the terme thereof, and so that any such demise and lease be not made without impeachment of waste, and also to assure and conuey a parcell of land called R. lying and being in G. to the vse of the said E. for terme of her naturall life, so that the same be not made without impeachment of waste. Prouided also, and it is agreed, by and betweene the parties to these presents, that it shalbe lawfull for the said L. L. by his writing, or writings, sealed with his seale, or by his last will and Testament in writing, to giue, graunt, &c. to euery and either of his yonger sons of the body of the said E. lawfully begotten, not being the heire apparant of the said L. L. one annuity or rent charge of v. li. by the yere, for the terme of the naturall life of euery such son, to whom such gift, grant, demise, or bequest shalbe made, issuing & going out of any the manors, messuages, lands, tenemẽts, & hereditaments of the said L. L. except before excepted. And also if it happen B. daughter of the said L. L. not to be maried in the life time of the said L. L. that then it shal likewise be lawfull, to and for the said L. L. by his writing indented,

sealed with his seale, or by his last Will and Testament in writing, to giue, graunt, deuise, and bequeath to the said B. one annuitie or rent charge of fortie Markes by yeare, vntill the summe of CC. Markes be leuied and paied, that is to say, for the terme of fiue yeares: Prouided, that if the said B. happen to die before she shall be maried, that then the said Annuitie or rent charge to cease and be void, and the said summe of CC. Markes, to be graunted and allowed vnto her, for, and towards her preferment in Mariage, or otherwise. And further, the said M. M. doth couenant and graunt, for &c. to and with &c. by these presents, that if the said Mariage take effect, one third part of all and singular the goods, chattels reals and personals, moueable and immoueable, iewels, plate, and implements of houshold, in three parts to be deuided, whereof the said M. M. shall be possessed at the time of his death, or his executors, within one yeare next after his decease, without fraud or couin, shall remaine and be by force of the gift, or of the last will and Testament of the said M. M. vnto R. sonne and heire apparant of M. M. for, and in the name of such heire lomes, as should and ought to be left by the said M. M. vnto him the said R. And lastly, the said M. M. for his part, doth couenant &c. by these presents, that if it fortune the said R. M. to decease in the life of the said M. M. his Father, hauing any issue in life at the time of the decease of the said M. M. that then the said M. M. at the reasonable request of the said Sir I. W. his heires, or executors, shall and will lawfully and sufficiently giue, graunt, assure, and conuey vnto any one of the sonnes of the said M. except the eldest sonne and heire apparant of the said R. M. one yearely rent charge of &c. issuing and going out of the said manors, messuages, lands, and tenements, except before excepted. To haue and to hold the said rent charge, immediatly from and after the decease of the said R. M. for and during the naturall life of euery the sonnes of the said R. M. to whom the same shall be graunted, conueyed, or assured. And also that if it fortune the said R. M. to decease in the life of the said M. M. his Father, then likewise he the said M. M. vpon the like request of him the said Sir I. W. his heires or executors, shall and will lawfully, and sufficiently giue, graunt, assure, and conuey lands and tenements of the cleere yearely value of &c. not before excepted, vnto such persons and their heires, as the said Sir I. W. shall nominate and appoint, to the vse of the said persons, for and vntill such time as the said persons, their heires or assignes, shall or may haue receiued, leuied, and ben of the issues and profits therof, such and so great sums of money, as shall and will amount and extend, to content and pay to euery one of

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the daughters of the said R. T. that shall happen to be vnmaried, to the mariage money vnpaied at the time of the decease of the said R. T. the full summe of CC. pound a peece to euery one of the said daughters, the said summe to be paied at such time, as they shall seuerally accomplish and come to the age of xviij. yeares, to and for their preferment in Mariage, or otherwise. In consideration of which Mariage, to be had and solemnized, and of the conueyances, graunts, articles, and agreements aforesaid, the said Sir I. W. doth couenant &c. to content, satisfie, and pay, or cause to bee contented, satisfied, and paid vnto the said T. T. his executors, administrators, or assignes, being sufficiently authorised vnder his hand and seale, the full summe of 600. pound in manner and forme following, that is to say, &c. And moreouer it is couenanted &c. that if it shall happen the said T. T. to decease in the life time of the said E. hauing a daughter or daughters, of the body of the said E. that hee the said T. T. by his last will and Testament, or otherwise by some act to be executed, or caused to be executed in his life time, shall make such conueyance, assurance, or prouisoes, that euery such daughter or daughters, at her or their seuerall ages of xviij. yeares, may be truely satisfied, contented, and paied, of the summe of a C. pound &c. to and for their preferment of Mariage. And it is further concluded betwixt the said parties, that it shall and may be lawfull to the said T. T. by the consent of the said R. T. his sonne, to exchange any part of the premisses for other lands (except before excepted) so as the said T. T. take and haue to him and his heires males, assured lands and tenements, of as much value or more, as the lands or tenements which he the said T. T. shall giue away in exchange, shall amount vnto: Any thing &c. notwithstanding. And the said T. T. also couenanteth and graunteth, to and with the said &c. that within one Moneth next after the solemnization of the Mariage, he the said T. T. shall graunt vnto the said A. B. by his sufficient deed in writing, and with a sufficient clause of distresse, one Annuitie or rent charge of one C. pound to be going out, and to be perceiued out of all the said manors, lands, tenement, (the Ioincture of the said E. and all lands wherewith she hath, or shall haue any estate for terme of her life, as is aforesaid, onely excepted) during the life of the said A. B. to take effect, presently after the solemnization of the said Mariage, and to be payable at the feasts of &c. by euen portions: The first payment thereof to bee at such of the said feasts, as first shall happen after the said Mariage. In witnesse whereof &c.

Couenants of Mariage of a King.

Sect. 83.

HEc Indentura facta inter præclariſſ.& ſereniſſ.Dei gratia I.S.Regem ex vna ꝑte, & dominam M. eidem gratia excellenſ,potenſ, ac metuẽdiſſ.Principis H.dei gratia Regis Angliæ,Francię,& Hibern' &c. & Præchariſſimæ illuſtriſſimæ dn'æ E. nup Regin' Angl', conſortis ſuæ filiam primogenitam,& præf.Regi S.per verba de præſenti matrimon' contracꝫ diſponſaꝫ ex alia parte,Teſtatur quod cum præf. ſereniſſim' S.Rex per lras ſuas patentes,magno ſigillo ſuo ſigillaꝫ, ac ſigno ſuo manuali ſubſcripꝫ, Daꝫ apud E. die menſis I. vltimo, Dederit & conceſſerit præf.M. principi Caſtrum & villam de D. maneria de N. & F.in Regno S.cum ſuis membris, iuribus, proficuis, commoditaꝫ, & pertinenſ quibuſcunque annui valoris ſex millium librarum, legalis & vſualis monetæ S.iam currentis & habentis curſum in regno Scotiæ,Et quæ conſtituunt duo millia libr̃ ſterling',& iam currentis & habentis curſum in regno Anglię: Habendũ & tenendũ præf. ſereniſſ. Principi M.ad terminum vitæ ſuæ naturalis,prout in eiſdem literis Patentibus inter alia plenius apparere poterit: Præfaꝫ M. princeps bono,læto, & pergrato animo tradidit & dimiſit,& ꝑ pręſentes concedit præf. illuſtriſſ principi S.Regi,omnes & ſingulos fructus,redditus,& ꝓuent' ex prædicꝫ caſtris,villis,dominijs,manerijs,terris, & prædicꝫ redditibus prouenientes & creſcentes,Saluis & exceptis,& præf. M. durante vita ſua naturali reſeruaꝫ ad vſum ſuum proprium de eiſdem fructib',redditibus,& prouenientibus ſumma mille librarũ, legalis & vſualis monetæ S.iam currentis & habentis curſum in regno S.quæ faciũt & conſtituũt quingentas Marcas ſterlingorum monetæ iã currentis & habentis curſum in regno Angliæ: Recipenꝺ annuatim ꝑ dicꝫ regem S. vel per eius deputatos ſeu ſeruientes,& præf. M. principi,ad vſum ſuum ꝓprium,ad feſta Paſch.& S. Michaelis Archangeli æquis porcionibus deliberanꝺ & ſoluend'. Et præter & vltra dictas mille libras monetæ S. ſupportand',exhibend',præſtand',& miniſtrand',ſupportari,exhiberi, pręſtari,& miniſtrari faciendo,durante vita ipſius illuſtriſſ. principis ſumptibus & expenſis eiuſdem Regis pręf. M. principi, omnia & ſingula quę ad apparatum corporis ſui, ornatum domorum ſuarum,veſturas, equitatus,ſuppellectilem,vtenſilia,victum, ac veſtitum,ac rem familiarem & domeſticam, & alias res quaſcunque, ſecundum honorem,ſtatum,gradum,& dignitatem ipſius M. Principis neceſſaria fuerint, ſeu quomodolibet condecentia: Necnon familiaribus domeſticis & ſeruiẽtibus ſuis,tã viris quam fœminis,quorum quidem ſeruienſ

viginti

viginti & quatuor erunt Anglici, partim viri, partim feminæ, ad optionem & electionem ipsius M. principis, esculenta, poculenta, stipendia, vestitus, vesturas, equitatus, ac omnia & singula alia quæ eisdem familiaribus, domesticis, & seruientibus secundum honorem & condecentiam status & dignitatis ipsius M. simili necessaria fuerint seu conuenientia supportando, exhibendo, præstando, & ministrando, supportarive & exhiberi præstari & ministrari faciendo. Et quoties & quando contigerit aliquem vel aliquam dict' seruient' suorum Angl' obire, toties & tunc licebit eidem M. durante vita sua in loco demortuor vel demortuarum vsque ad numerum duodecem personarum alios vel alias Anglicos vel Anglicas ad sumptus & expensas prædicte substituere, & subrogare: licebitque præfat M. prædict summam mille librarum & quamlibet inde parcellam de tempore in tempus durante vita præfat illustriss. principis S. Regis, in vsus ipsius M. proprios & alienos vsus sine impedimento ipsius I. S. Regis vel cuiuscunque alterius libere ad votu suum committere & disponere. Et si contingat præfatu M. principem prædict' sereniss. regem S. superuiuere & post mortem eius superstitem fore, licebit præfat M. principi post mortē eiusd I. Regis S. pfectā realem & corporalem possessionem statum & titulum suos in pred' dominijs, villis, manerijs, terris prædict' & reddibus durante vita ipsius M. principis continuare & retinere, fructusq; exitus, proficua, & redditus ex eisdem prouenient' vbicunq; præfat M. post mortem ipsius S. Regis habitare vel morari, vel ad quecunque Regna vel' partes extra idem Regn' S. se transferre vel migrare placuerit, vel cōtigerit, pacifice integre & plene sine aliquali diminutione, impedimento, expulsione, interruptione vel contradictione heredum vel successorum præfat' seremissimi domini Regis S. vel alicuius aut aliquorum aliorum quorucunque durante vita ipsius M. principis ad vsum suum proprium percipere & habere, ista præsenti concessione seu dimissione in aliquo non obstante &c.

A conueyance in ioyncture to sundrie vses restraining alienation, and reserving power to make ioyntures and leases.

THis Indenture &c. Betweene F. P. and A. his wife, and E. P. sonne and heire apparant of the said F. P. and B. now wife of the said E. P. and daughter of M. D. on the one partie, and the said M. S. on the other partie, Witnesseth, that in consideration of a marriage alreadie had and solemnized betweene the said E. P. and the said M. S. and for a competent and sufficient ioynture to bee had and made to

to and for the said W. in case shee shall happen to survive or ouerlive the said E. her husband: And for a ioynture also to be had and made to and for the said A. if shee the said A. shall fortune to survive and ouerlive the same F. And in consideration also that the manors, &c. hereafter mentioned shall and may for so long time as it shall please Almightie God, be, remaine, and continue in the name, blood, and kindred of the said parties, and euery of them, as hereafter in these presents is expressed and declared. It is now therefore couenaunted, graunted, concluded, and fully agreed by and betweene the said parties, to these present Indentures, And euery of the said parties, for himselfe, his Heires, Executors, Administrators and Assignes, and euery of them by these presents, doth couenant, graunt, conclude, and agree to and with the other of them, his heires &c. and euerie of them by these presents in manner and forme following (that is to say) First, the said F. M. for the causes and considerations herein before specified, and to the intent his last will may be performed, for himselfe, his heires, &c. and euery of them, doth couenant, grant, conclude, and agree, to and with the said K. S. his heires, executors, and administrators, & euery of them by these presents, that the said F. M. or his heires, at their or some of their owne proper costes and charges in the lawe on this side, or before the feast of &c. next comming after the date hereof, by his or their deed or other conueyance or assurance sufficient in the law, shall and will well and sufficiently conuey and assure, or cause to be conueyed and assured vnto L. E. and A. E. and their heires for euer, all those the manors and lordships of, &c. And also the seuerall moities of all those the manors and lordships of &c. And that the said deed and other conueiance and assurãce before mentioned to be made, and euery of them, shall be and inure, and shall bee adiudged, esteemed, and taken to be inure. And also that the said L. E. and A. E. and either of them, and the survivor of them, and his heires, and all and euery other person & persons now standing or being seised of, or in the saide mannors &c. and other the premisses or any parcell thereof, for the said considerations herein before expressed, at all times from and after the said feasts of &c. next comming, of, from and after the said conueyance and assurance had or made, as is aforesaid, which soeuer of them shall first happen, shall stand and be seised of, and in the same, and euery part thereof, to the vses and intents hereafter in these presents expressed, That is to say, to the vse and behoofe of the said F. M. and of his assignes, for and during the ioint liues of him the said F. M. and the said E. M. his wife, without impeachment of any manner of waste. And from and after the decease of the said F. in case

caſe the ſaid F. ſhall fortune to depart this preſent life, during the life of the ſaid E.M. his ſonne, Then, as for and concerning the ſaid Mannor and Lordſhip of L. with all his rights, members, and appurtenances, to the vſe and behoofe of the ſaid A. now wife of the ſaid F.M. and of her aſſignes, for and during the terme of her naturall life, (if the ſaid E.M. the ſonne ſhall happen ſo long to liue.) And from and after the deceaſe of the ſaid E.M. then, as for and concerning the Scite or chiefe manſion houſe &c. to the onely vſe and behoofe of the ſaid B. for terme of her naturall life, for, and in full ſatisfaction and recompence of all ſuch Iointure and Dower, as to the ſame B. ſhall, or of right ought to belong or appertaine, by, from or after the deceaſe of the ſaid E.M. her huſband. And as for and concerning the reſidue of the ſaid manor of &c. to the onely vſe and behoofe of the ſaid A. and of her aſſignes, abſolutely for terme of her life in full ſatisfaction of the Ioineture of the ſaid A. And as for and concerning the reuerſion and reuerſions, remainder or remainders of the ſaid Manor &c. as the ſaid vſes, eſtates, and intereſts thereof herein before limited or expreſſed, ſhall be fully ended and determined. And for and concerning the ſaid manor of &c. as the eſtates and intereſts thereof before limited or expreſſed in theſe preſent Indentures ſhall fully end and determine: Then to the vſe and behoofe of the ſaid F.M. for terme of his naturall life, without impeachment of any maner of waſt. And from and after his deceaſe, then to the vſe and behoofe of E.M. for terme of his life, without impeachment of any manner of waſt. And from and after his deceaſe, to the vſe and behoofe of the firſt ſonne to be begotten by the bodie of the ſaid E.M. and of the heires males of the ſame firſt ſonne lawfully begotten. And for default of ſuch iſſue, then to the vſe and behoofe of the ſecond ſonne to be begotten by the bodie of the ſaid E.M. and of the heires males of the ſame ſecond ſonne lawfully begotten. And for default of ſuch iſſue &c. (to the vſe of ſo many other ſonnes as ſhall be thought meete, in forme aforeſaid, &c.) And for default of ſuch iſſue, then to the vſe and behoofe of euery other the ſonnes to be begotten by the body of the ſaide E.M. ſucceſſiuely as they ſhall be in the ſeniority or age, and of the heires males of their ſeuerall bodies lawfully begotten. And for default of ſuch iſſue, then to the vſe and behoofe of all and euery the daughters which the ſaid E.M. ſhall haue begotten on the bodie of the ſaid B. at the time of his deceaſe being then vnmarried, and of their aſſignes, from and after ſuch time as each of them ſhall haue accompliſhed their ſeuerall ages of xxiij. yeares, or be maried, to, and vntil ſuch time as euery of the ſame daugh-

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ters succeſſiue one after another, as they ſhall bee in ſeniority or in age, ſhall or may leuie, receiue, and take to euerie of their owne proper vſes and behooſes, of the rents, profits, and iſſues of the premiſſes, the ſeuerall ſummes of three hundreth pounds a peece of currant money of England, or otherwiſe ſhall bee fully ſatiſfied, contented, or payed of the ſame ſeuerall ſummes, by ſuch perſon or perſons to whom the nert and immediate reuerſion or remainder of the premiſſes ſhall then by the intent and true meaning of theſe preſents of right belong and appertaine. And from and after ſuch time as the ſaid ſeuerall ſummes of three hundreth pounds ſhall bee fully leuied, receiued, or payed, as is aforeſayd &c. And for default of ſuch daughters which ſoeuer of them ſhall firſt happen, Then to the vſe and behooſe of T. M. ſecond ſonne of the ſaid F. M. for terme of his naturall life, without impeachment of any manner of waſte. And from and after his deceaſe, then to the vſe and behooſe of the firſt ſonne to bee begotten by the bodie of the ſayd T. M. and of the heires male of the bodie of the ſame firſt ſonne lawfully begotten. And for default of ſuch iſſue &c. (toother ſonnes and daughters, as here before, And ſo to as many ſonnes of the donour by name, as ſhall ſeeme good, in manner abouesaid.) And for default of ſuch iſſue, then to the vſe and behooſe of the ſayd E. M. and of his heires for euer. And as for and concerning the ſayd moities of the ſaid &c. to the onely vſe, and behooſe of the ſayd F. M. and of his aſſignes, for, and during the terme of his naturall life, without impeachment of any manner of waſte. And from and after his deceaſe, then to the vſe and behooſe of the daughters of the ſayd F. M. that is to ſay, M. E. F. and C. and of L. M. daughter of the ſayd E. M. as ſhall bee vnmaried at the deceaſe of the ſayd F. M. and of their aſſignes, for, and vntill ſuch time as euerie of the ſaid daughters ſo vnmaried at the time of the deceaſe of the ſaid F. M. one after another, as they ſhall bee in ſeniority, or in age, ſhall or may fully haue, leuie, receiue, and take of the rents, iſſues, and profits thereof, for, and towards their ſeuerall preferments and maintenance, the ſumme of three hundreth pounds a peece, of good &c. And from and after ſuch time as the ſayd ſeuerall ſummes of three hundreth pounds a peece, ſhall, or may bee had, leuied, or taken, as is aforeſayd: Then to the vſe and behooſe of the executors and adminiſtrators of the ſayd F. M. for, and during the terme of tenne yeeres, then nert following, for, and towards the payment of the debts of the ſayd F. M. the Father, and for and towards the performance of his laſt Will and Teſtament. And from and after the end and expiration of the

ſaid

said terme of tenne yeares, Then to the vse and behoofe of the said G. M. for terme of his naturall life, without impeachment of any maner of Waste. And from and after his decease, then to the vse and behoofe of the first sonne, to be begotten by the bodie of the said G. M. and of the heyres males of the bodie of the same first sonne lawfully begotten. And for default of &c. vt supra. And the said F. M. the father for himselfe, his heires, executors, and administrators, couenaunteth and graunteth, to and with the said R. B. his heires and assignes, and euery of them by these presents, That hee the said F. M. the father, his heires, Executors, Administrators, or Assignes, or some of them, shall and will at all times, from and after the decease of the said G. M. well and sufficiently acquite and discharge, or saue harmeless the saide mansion house, lands, &c. and all other the premisses herein before limited or appointed, to, and for the ioincture of the saide B. and euery part and parcell thereof, of, and from all and all manner of former bargaines, &c. whatsoeuer, had, made, done, caused, or acknowledged by the said F. M. or any other person or persons, by his title, assent, meanes, or procurement. The rents and seruices from thencefoorth to bee due to the chiefe Lord or Lords of the fee or fees of the premisses, And &c. only foorepised and excepted. And further, that hee the said F. M. and his Heires and Assignes, and euerie of &c. for further assurance in the Lawe, surelie, safe making and conueying of all the said Manors, Lands, Tenements, and other the premisses, and euerie part thereof, to be conueyed and assured to the seuerall vses, purposes, and intents herein before expressed, and according to the intent and true meaning of these presents, Bee it by finesse. Neuertheless, it is alwaies prouided, that it shall and may bee lawfull to and for the sayde G. M. R. M. R. M. G. M. and I. M. the sonnes, and to and for euerie of them, and to and for all and euerie of the issues males, to whom any interest or estate is herein before limited in the premisses, or any part thereof, and being seised in demesne of any estate of freehold, or inheritance, of, or in the premisses, or any parcell thereof, not being expectant vpon any other estate or estates, at his and their, and euery of their free wills, liberties, and pleasures, to make any lease or leases for terme of three liues, or xxj. yeeres, or vnder, and not dispunishable, neither without impeachment of waste, to any person or persons, of all and singular the said manors, lands, tenements, and other the premisses in B. &c. vt supra before mentioned, or euerie or any of them, or any part or parcell thereof, other then of the scite or demeaine lands, &c. whereupon the old and accusto-

accustomed yerely rents or more shall bee reserued to continue during the same lease or leases to be had or made. And that all such leases so to be made, shall be good and availeable in law, to all intents and purposes. And that at all times from and after the making of all and euerie such lease or leases, the said conueyance and assurance shall be, And the said T. E. and A. E. and their heires and assignes, and euerie of them, and all and euerie other person and persons then standing or being seised of, or in the premisses so to bee demised or letten, or any part or parcell thereof, shall stand and be seised thereof, and of euery part and parcell thereof, as for & concerning only all and euery of the same lands, tenements, and hereditaments, so to be demised or leased, as is aforesaid, to the vse of all and euerie such person or persons, their executors, administrators, or assignes, to whom any such lease or leases shall bee so thereof made, and according to the true intent and meaning of all and euerie the same lease or leases, and of these presents: So alwayes as the same lessee, their executors, administrators & assignes, and euerie of them, doe well and truly yeeld or pay, or cause to be yelded & paid the seuerall rent and seruices in the same lease and leases, and euerie of them to be reserued to such person and persons for the time being, as by the intent and true meaning of these presents shall haue the next and immediate reuersion or remainder of the same premisses so to bee leased, at the dayes and feasts to be comprised in all and euerie the same leases, or within 21. dayes next ensuing euerie of the said dayes and feasts. And after the expiration of the same lease or leases, and euerie of them, as they shall seuerally end and determine, then the said conueyance and assurance shall bee and inure, And the said T. E. and A. E. and all and euerie other person and persons, then standing or being seised of, or in the premisses so to bee demised or letten, or any parcell thereof, shall at all times from thencefurth stand and bee seised of, and in the same and euerie part or parcell thereof, to such vses, purposes, and intents, as been before in these presents expressed and declared, and as by the true intent and meaning of these presents they should or ought to haue done, if no such lease or leases made thereof at any time had been made, any matter or thing to the contrarie thereof in any wise notwithstanding. Neuertheless, it is alwayes prouided and fully conenanted &c. by and betweene the sayd parties to these present Indentures and euerie of them, that if the said E. T. M. R. M. G. and I. M. or any of them, or any the heires of their seuerall bodies to whom any vse or vses, estate or estates, of, or in the said manners, lands, &c. before mentioned, or any part or parcell thereof by these presents is

limited

limited, declared, appointed, or agreed to bee conueyed in maner and forme aforeſaid, ſhall at any time after the ſaid aſſurance had and made as is aforeſaid, aduiſedly, wittingly, determinatly, and effectually procure or aſſent, to, or for any act or actes, thing or things, for any bargaine, ſale, diſcontinuance, alienation, exchange, or forfeiture to bee had or made of the ſaid manors, lands, tenements, hereditaments, and other the before named premiſſes, or any part or parcell of them or any of them, to him, them, or any of them as is aforeſaid, by theſe preſents limited, declared or agreed to be conueied in vſe or in poſſeſſion, whereby any eſtate of the premiſſes, or any part or parcell thereof, in vſe or poſſeſſion, mentioned, limited, or declared by theſe preſents may, ſhould, or might in any wiſe, or by any meanes be vndone, diſcontinued, barred, determined, or forfeited: And the ſame bargaine, ſale, diſcontinuance, alienation, exchange or forfeiture, or any other effectuall thing or act towards the ſame effect, ſhall attempt, cauſe, procure, commaund, or wittingly or willingly aſſent vnto, or ſuffer to bee attempted, gone about to be executed, performed, proſecuted, or put in vre, by the knowledging of any note or notes, of, or for any fine or fines to be leuied, or by knowledging of any warrant or warrants, of Attorny or Attornies, for any recouerie or recoueries, to be purſued, or entrie into any warrantie by any meanes whatſoeuer, or by knowledging any warrant for the ſame, or by any purchaſe of any writ or writs, by them or any of them, or by any other by their or any of their aſſent or conſent, by apparance or otherwiſe, to any writ or writs of the premiſſes, or any part or parcell thereof, or to any thing in them or any of them, or by knowledge of any deed or deeds, writing or writings to bee inrolled, or by any other effectuall act or actes, thing or things whatſoeuer, whereof or whereby any bargaine, ſale, diſcontinuance, alienation, exchange or forfeiture ſhall and may inſue: That then immediately from and after the time of ſuch procuring, attempting, cauſing, commanding, willingly aſſenting, ſuffering or going about, in manner and forme as is aforeſaid, And before any ſuch bargaine, ſale, diſcontinuance, alienation, exchange or forfeiture perfected, executed, cõmitted, or done, the ſaid vſe and vſes, eſtate and eſtats, limited and declared in theſe preſents vnto him, or them, and to as manie as ſhall attempt, cauſe, procure, commaund, or willingly aſſent or ſuffer any ſuch act or acts, thing or things to be proſecuted, executed, performed, done, or put in vre, or gone about to be executed, done, performed, or put in vre, in manner and forme before declared, whereupon any bargaine, ſale, diſcontinuance, alienation, exchange,

or forfeiture shall, may or might insue, contrarie to the true intent and meaning of these presents, of, and in such and so much of the said manors, landes, tenements, and hereditaments, with the appurtenances, for the which any the thing or things aforesaid shall be so attempted, caused, procured, commaunded, allented or suffered to be executed, performed, done, or put in vre, or gone about to be executed, performed, done, or put in vre, contrarie to the true meaning of these presents, shall cease as in respect onely, and hauing regard to such person or persons, onely so attempting, procuring, causing, commaunding, willingly allenting to, suffering, or going about any such act or actes, thing or things aforesaid, as if such person or persons so attempting, causing, commaunding, or procuring, were naturally dead, and not otherwise. And that then and in such case it shal be lawfull to and for euery such person and persons to whom the vse and possession thereof should come, growe, or be by the true intent and meaning of these presents, to enter and to enioy the same, as if such person or persons that so shall procure or allent to or for any such act or actes, thing or things to be done or attempted, were naturally dead, and in none otherwise, and of such and the like estate and estates, and in like manner and forme to all intents and purposes, and with like remainders in vse ouer, and with like limitations and conditions, as the same should haue comen, growen or bene, if the same person that so shall procure or allent to or for any such act or acts, thing or things to bee done or attempted at or immediately before the time of such procuring or allenting were naturally dead and in none other maner.

And the said R.S. on his part, and in consideration of the said marriage, doth for himselfe, his heirs and executors, couenant, promise, and grant to and with the said F.M. his heires and assignes, and euerie of them by these presents: That he the said R.S. or his heires, at his or their, or some of their owne proper costs and charges, shall and will before the feast of &c. next comming after the date hereof, well and sufficiently conuey and assure, or cause &c. (vt supra, like in all things to the making of the conueyance made by the said F.M.) Which conueyance and assurance so to be had and made of the said manor of T. &c. and all other the premisses last before mentioned, or any part or parcell thereof, as is aforesaid, And all other conueyance and assurance thereof, or of any part thereof to bee had or made, at any time or times on this side or before the feast of &c. shall bee, and all persons standing or being seised of or in the said premisses last mentioned, or of any part thereof, at all times from and after the said feast, or from or after the said con-

conueyance and aſſurance laſt mentioned, ſo had and made, as is aforeſaid which ſoeuer ſhall firſt happen, ſhall ſtand and be thereof and of euerie part and parcell thereof, ſeiſed to the vſes, intents, & purpoſes hereafter in theſe preſents expreſſed and declared, and to or for none other vſe, intent, or purpoſe: that is to ſay, To the vſe and behoofe of the ſaid R.S. and of his aſſignes, for and during the time of his naturall life, without impeachment of any maner of waſt, And from and after the deceaſe of the ſaid R.S. to the vſe and behoofe of the executors, adminiſtrators and aſſignes of the ſaid R.S. for and vntill the full end and terme of 4. yeres, next and immediatly enſuing the deceaſe of the ſaid R.S. and from and after the ſaid terme of foure yeares being fully ended and expired, Then to the vſe and behoofe of the ſaid E.M and B. and of the heires males of the bodie of the ſaid B. by the ſaid E.M. lawfully begotten. And for default of ſuch iſſue, then to the vſe and behoofe of the heires males of the ſaid B. by the ſaid E.M. lawfully begotten. And for default of ſuch iſſue, then to the vſe and behoofe of the heires of the bodie of the ſaid B. lawfully begotten. And for default of ſuch iſſue, then to the vſe and behoofe of E.S. wife of H.S. and F.H. now wife of I.H. other two of the daughters of the ſayde R.S. and of the heires of their two bodies lawfully begotten. And for default of ſuch iſſue, then to the vſe of ſuch perſon or perſons, and their heires, as the ſaid R.S. ſhall by his laſt will and teſtament in writing, or by any other his deed indented, by him to be ſealed and ſubſcribed with his name and proper hand writing, ſhall bee to that end named and appointed, and that in ſuch ſort, with ſuch limitations and conditions, as therein ſhall be named and appointed. And for want of writing, and ſuch laſt will and teſtament, and after the vſe and eſtats herein before theſe preſents limited or expreſſed being fully ended: Then to the only vſe and behoofe of the ſaid R.S. and of his heirs and aſſigns for euer, and to none other vſe, purpoſe, or intent. Prouided alwaies that if &c. E.M. (vt ſupra ex parte F.M. And moreouer, it is couenanted, graunted, concluded, condiſcended, and fully agreed, by and betweene the parties to theſe preſent Indentures, and euerie of the ſaid parties, for himſelfe, his heires and aſſignes, doth couenant, grant, conclude, and agree, to and with the other of them, their heires and aſſignes, and euerie of their heires and aſſignes, and euerie of them by theſe preſents, that as well the ſaid F.M. and R.S. and their heires, and the heires and aſſigns of either of them, as all and euerie other perſon and perſons, now ſtanding or being ſeiſed, or which at any time or times, from and after the ſaid feaſt of &c. next comming after the date

hereof shall stand or be seised, of or in the said manors, messuages, lands, tenements, and other the premisses before in these presents mentioned or expressed, or euery, or any part or parcell therof which before the said feast of &c. next comming, shall not be sufficiently conueyed and assured vnto the said T.E. and A.E. and their heirs, to the seuerall vses, purposes, and intents, herein before expressed, at all and euery time or times, from and after the said feast of &c. next comming, for the considerations aforesaid, shall stand, and be seised, of, or in the same and euery part and parcell thereof, to the vses, purposes, and intents before in these presents expressed and declared, according to the intent and true meaning of these presents, and to none other vses, intents, and purposes: any matter or thing to the contrarie thereof in any wise notwithstanding. In witnesse whereof the parties aforesaid to these present Indentures interchangeably haue set their hands and seales. Dated the day and yeare first aboue written.

Couenants for Mariage, and for a Iointure.

THis Indenture made &c. Betweene R.C. of the one party, and A.C. of the other partie Witnesseth &c. For and in consideration of which mariage so to be had and solemnized betweene the said parties in forme aforesaid, and for, and in consideration of the summe of fiue hundred markes of &c. before hand paied, whereof the said &c. And for the naturall loue and affection which the said I.C. beareth vnto the said F. his brother and heire apparant, And for a Iointure to be made after marriage had to the said A. the intended wife of the said F. and for the extinguishment of one annuall rent or annuitie of x.li. or thereabouts, claimed by the said F. out of the lands, tenements, and hereditaments of the said I.C. by reason of the last will and testament of I.C. deceased his late father and otherwise, and also for diuers other good considerations him moning, hee the said I.C. for him his heires, executors, and administrators, and euerie of them doth by these presents couenaunt, graunt, promise, and agree, to and with the said R.C. his heires, executors, and administrators, and euerie of them that he the said I.C. is lawfully seised of an estate of inheritance, of and in the manor of F. &c. and of and in diuers &c. of the cleere yearely value of an C.li. or more. And that he the said I.C. his heires or assignes, within fortie daies next after the solemnization of the said mariage to bee had betweene the said F. and A. in forme aforesaid, shall make and execute, or cause to be made and executed vnto the said F.C. and A. his intended wife, one good, sure, lawfull, and sufficient demise, or lease in

writing

waiting for the liues of the said F. and A. and the longer liuer of them, And shall thereupon execute estate of the same by liuery of seisin, and by attornement of the tenants thereof, or otherwise in due forme of law make sufficient assurance and conueiance of all that the said manor of &c. and of &c. Except &c. To haue and to hold the said manor of F. and all the lands, tenements, and other hereditaments, with ỹ appurtenances thereunto belonging or appertaining (except before excepted) to the said F. C. and A. his intended wife for terme of their two liues, and the longer liuer of them, reserving in the said Lease of the said I. C. and his assignes during his life the yeerely rent of xl. li. at two vsuall feasts in the yeare to be paied: that is to say, at the feast of S. Philip and Iacob, and at the feast of Saint Michaell the Archangell by euen portions, with a clause of distresse and nomine pœnæ to be contained in the said lease, that if the said rent or any part thereof be behind at any of the said feasts, during the life of the said I. before limited, and by the space of fortie daies after, it being lawfully demanded, that then the said F. C. and A. his wife, and the longer liuer of them, shall forfeit and pay to the said I. C. his heires and assignes, ouer and aboue the said rent so being behind and vnpaied v. li. of lawfull English mony nomine pœnæ, and with a clause of distresse, as well for the said summe of fiue pounds nomine pœnæ, as for the said yeerely rent of twentie pounds so to bee reserued by said lease. And also with a couenant to be contained within the said Lease on the behalfe of the said F. and A. that the said F. and A. and the longer liuer of them shall from thencefore sufficiently repaire, vphold, maintaine, and kepe the said manors, and all other the premisses with their appurtenances, together with all the buildings, sea-dikes, walls, banks, and fences belonging to the same, in all manner of necessary and needfull reparations, when and so often as neede shall require, during the said estates for life of the said F. and A. and the longer liuer of them before limited, at the proper costes and charges of the said F. and A. and the longer liuer of them. And that the saide F. and A. and the longer liuer of either of them, shall also during the estates of the longer liuer of them pay all manner of outrents due to bee paied and going out of the premisses before limited. For the better perfecting and assurance of which said Lease, and for the assurance of a Ioynture to bee made to A. now wife of the said I. C. and for the extinguishing of all titles of Dower of the saide A. now wife of the said I. in all the hereditaments in F. and B. aforesaid, and in all other the Manors and Hereditaments of the said I. C. And for the defeating and

making void of all former supposed auncient intailes whatsoeuer, of the said Manours, Landes, and Hereditaments, before leased by these presents, in manner and forme aforesaid, whereby the said lease may the better bee perfected and made sure, without any scruple or doubt in law. And for the establishment of a great part of the inheritance of the said I. hereafter mentioned to the heires males of his house, And for diuers other good causes and considerations him mouing, hee the said I.C. doth further couenant &c. that he the said I.C. and the sayd A. his wife, at the onely costs and charges in the law of the said Sir R. C. and his heires, shall within one halfe yeare next after the marriage aforesaid, acknowledge and leuie a fine with proclamations, according to the Statute in that case prouided, before the Iustices of the common pleas at Westminster in due forme of Law, according to the common course of fines in such cases vsed, vnto I.T. &c. &c. H. W. and R.H. as well of and in the said Manour, and all other the premisses with the appurtenances in F. and B. aforesaid, being now of the value of C.li. as also of the Manour of T. with the appurtenances, ouer and aboue all yerely charges and reprises, by the names of the Manours of F. and T. with the appurtenances, &c. or by the like names in effect, by which fine with proclamations or the like in effect, or by any other name or names whatsoeuer, so to be leuied and knowledged in forme aboue said, hee the sayde I.C. shall knowledge the same Manours and all other the premisses with the appurtenances by the names aforesaid, or the like in effect to bee the right of the said conusees, or one of them, as that the said conusees haue of his right. And by the same fine shall remise, release, and quite claime the said Manours, Landes, Tenements, and Hereditaments, and all other the premisses with their appurtenances, from him, and his heires, to the said Conusees and their heires, or to the heires of one of them for euer. And further shall by the same fine so to bee leuied and knowledged in forme aforesaid, warrant the said Manours, Landes, Tenements, and Hereditaments, and all other the premisses, with their appurtenances to the said Conusees and their heires for euer against all men: which sayde fine with Proclamation, or the like in effect, so to bee leuied and knowledged for the consideration aboue said shall bee, and the Conusees therein named, their heires and assignes, shall stand and bee seised by vertue and force thereof, to the seuerall vses and intents, and vpon the considerations in these presents hereafter seuerally expressed and declared, and to none other vse, intent, or purpose: That is to say, of and in the said Manour of

at F. &c. and of &c. to the vse and behoofe of the said I.C. and of the heires males of the bodie of the same I. lawfully begotten, And for default of such issue, to the vse and behoofe of the said F.C. and of the heires males of his bodie lawfully begotten, And for default of such issue, to the vse and behoofe of the said I.C. and of his heires for euer. And of and in the said manor of T. &c. and of all &c. to the onely vse and behoofe of the said I.C. and A. now his wife, and of the heires males of the bodie of the said I.C. begotten, for, and in full recompence and satisfaction of all titles of Dower and Ioynture of the said A. of, and in all tenements and hereditaments of the said I. And for default of such issue, then to the vse and behoofe of the said I.C. and of the heires males of his bodie lawfully begotten, And for default of such issue, then to the vse and behoofe of the said I.C. and of his right heires for euer. And the said I.C. &c. doth couenant &c. that the said Manours of &c. now bee, and at the time of the said leafe and assurance to bee made, shall be, and so shall and may continue and be for euer hereafter cleerely acquited, discharged &c. and incumbrances whatsoeuer had, made, or done by the said I.C. or by any others for him, in his name, or by his meanes, assent, or procurement &c. And that the said F. and A. and their assignes, paying the aforesaid rent of twentie pounds, at the feasts aforesaid, shall, and may during their liues, and the longer liuer of them, at all times from and after the said marriage is had and solemnized, haue, hold, and inioy the said Manors of F. &c. (except before excepted) according to the intention of the Leafe aforesaid, without any lawfull let or interruption of the said I.C. his heires or assignes. Prouided alwaies, and it is couenaunted, granted, comprehended, concluded, and fully agreed betweene the said parties to these presents, that if the sayd I.C. or any the heires males of the bodie of the said I. lawfully begotten at any time hereafter, shall earnestly and effectually by open deeds or act, intend, goe about, or attempt any act or thing, deed, or deuise, to bee done, or suffered, whereby the said Manours of F. and &c. or whereby any die or dies, estate or estates of the same Manors, or any of them, or any part of any of them, or other the premisses in the sayd Townes last recyted, or any of them, should, might, or shall bee discontinued, aliened, assured, changed, or determined, Or otherwise shall charge or incumber the same Manors, or any of them, or any part of any of them, or other the premisses in the said Townes of F. W. T. F. W. R. A. and B. aforesaid, otherwise than with such charges and incumbrances as shall onely indure, during the life of the said

said J.C. or during the onely life or liues of such heires as is shall charge or incumber, as is aforesaid; or otherwise then with such incumbrances by Leases, as bee now left at the libertie of the same J. to doe by these presents, or with leases of the said Manor of C. or of any parcell of the premisses in C. F. A. W. R. and D. for twentie one yeares at the most, whereupon the accustomed rent or more shall bee reserued and payable during the terme thereof: That then and from thencefoorth the vse of the same J.C. and A. his wife, and of the heires males of the bodie of the said J. in such of the premisses as shall be interprised and vsed contrarie to the true meaning aforesaid, shall from thencefoorth cease, And then and from thencefoorth the said J.W.R.B.Y.W. and A.G. and their heires, shall stand and be seised of the same manors, and other the premisses, and euery part of euerie of them so interprised, or vsed, contrarie to the meaning aforesaid, to the onely vse of the same F. and the heires males of the bodie of the same F. lawfully begotten. And for default of such issue, to the vse of the right heires of the said J.C. for euer. Prouided also, and it is couenaunted, graunted, condiscended, concluded, and fully agréed betweene the said parties to these presents &c. (vt supra for the other lands.) And for the preferment of the heires males of the bodie of the said F.C. in remainder after the death of the said J.C. hauing issue male of his bodie, he the said J.C. doth further couenaunt, graunt, condiscend, and conclude, for him, his heires, executors, administrators, and assignes, to and with the said W.C. his heires, executors, administrators, and assignes by these presents; That if it fortune, that the said J.C. at any time hereafter during his life to haue any issue male of his bodie lawfully begotten, that then hee the said J.C. his heires, executors, or administrators, within one yeare next after such issue male of his bodie so had, and it being then in life, shall vpon the reasonable request of the said W. and of his heires, as well by fine as other good, lawfull, and sufficient assurance and conueiance in the Law, at the onely costes and charges in the law of the said J.C. sufficiently assure, and convey, or cause to bee assured or conueyed to certaine feoffees by the said W. his heires or assignes to bee nominated and appointed, certaine other lands, tenements, and hereditaments to the full and cleere yearely value of £1. ouer and above all charges and reprises, to the onely vse of the said J.C. for terme of his life, without impeachment of waste. And after his death, then to the vse and behoofe of the same A. and of the heires males of his bodie lawfully begotten, &c. and vntill such time as the same F.

shall haue issue of the bodie of him the said F. and the said A. lawfully begotten. And after to the vse of the same F. for terme of his life, without impeachment of wast. And after his death to the vse of the heires males of the bodie of the said F. lawfully begotten of the said A. And for default of such issue, to the vse of the right heires of the same I. for euer discharged, or otherwise from time to time thereforth to be saued harmelesse of all incumbrances, had, made, suffered, procured, or done by the same I. his heires &c. In witnesse whereof &c.

Couenants of Mariage.

THis Indenture made &c. Betweene P. S. M. W. and L. S. on the one partie, And L. P. the elder, and R. T. on the other partie, Witnesseth, that where the said P. by Gods grace shall shortly marrie and take to his wife A. B. widdow, And likewise the said A. &c. In consideration of which marriage to be had and solemnized, it is couenanted &c. (that is to say) the said P. S. M. W. and L. S. and euery of them for &c. that the said P. at, and immediately after his decease shall leaue vnto the said A. to her owne proper vse, if she bee then liuing, all and singular such lease and leases, goodes, chattells, plate, iewels, and money, as she shall bring with her to the vse or possession of the said P. the true values whereof are expressed, and doe appeare in an Inuentorie inuented to these presentes annexed, or the true value of the same, according as the same are valued in the sayd Inuentorie, without any wilfull wast, spoile, destruction, or diminution thereof, or of any part thereof to be had, made, or done, of, in, or vpon the same, or any part thereof by the said P. or any other by his procurement or meanes, for intent to defraud the same A. or her assignes of the same. And also that he the said P. shall then at the time of his decease leaue, giue, or lawfully conuey and assure vnto the said A. to her proper vse, goods, chattels, plate, iewels, and ready mony of the proper goods of the same P. to the value of 200. li. &c. ouer and aboue the said leases, goods, chattels, plate, iewels, and money specified in the same Inuentorie, without any fraud or guile by him &c. done or wrought therein to defraud her of the same. And also shall immediately after his decease leaue, giue, bequeath, or by other lawfull meanes in the law, assure and conuey to the said A. to her proper vse, all the Farme or Manor of &c. and all his lease, or terme of yeares that he hath, or then shall haue in &c. and that the executors or administrators of the said P. shall within one halfe yeare next ensuing after his decease, well and truly deliuer, or cause to. Sect. 86.

to be deliuered to the handes, vse, and possession of the said A. the said goods &c. to the said value of C£. li. and euerie part thereof. And the Indenture of the said Lease of the said Manor of &c. whole, safe, and vncancelled and in full force and strength, for as many yeares as shal be at his decease to come of the aforesaid terme, without any act, thing or things, fraud or couin, by him or them, or any of them to be done, or willingly suffered to the contrarie. And furthermore the sayde P. S. P. W. and L. S. for them &c. couenaunt &c. That if it shall fortune the said P. at any time after the said mariage had betweene him and the said A. during their two lines to purchase, obtaine, get, or haue any lands, tenements, possessions, or hereditaments, in fee simple, or any estate of inheritance, that then the said P. shall within reasonable time after the said purchase, obtaining, or getting of the said lands &c. from time to time cause the same lands &c. to be assured and made sure to the said P. and A. and to the heires of their two bodies lawfully begotten, And for default of such heires to the right heires of the said P. And furthermore the said P. S. P. W. and L. S. for them &c. couenaunt &c. that if the said P. at any time hereafter by the consent of the said A. shall purchase, or buy any mannors, lands, tenements, or hereditaments, with the money, goods, iewels, plate, or chattels, before by these presents couenanted and agreed to be left vnto the said A. being mentioned in the same Inuentorie, that then the said P. shall assure and conuey, or cause to be assured or conueied all the said &c. with their appurtenances so to be purchased and bought at a reasonable time after or vpon the purchase therof so had and made, to ỹ said P. and A. and to the heirs of their two bodies betweẽ them lawfully begotten, and for default &c. (vt supra.) Prouided alwaies, & it is fully couenanted, concluded, and agreed betweene all the said parties by these presents, that if the said P. shal at any time hereafter by the consent of the said A. bestow and imploy all or any of her said goods, chattels, money, plate, iewels, or leases, before by these presents couenanted and agreed to bee left to the same A. in, or vpon the purchase of the manors &c. and vpon or after the said purchase so assure, and conuey the same manors so purchased &c. to the said P. and A. and to the heires of their two bodies lawfully begotten, And for default &c. that then the said P. P. and L. their heires &c. and thereuntoes &c. of euery of them, after the same purchase and assurãce so had and made to the said P. and A. in maner & form aforesaid, shal be discharged of the paiment and deliuerie of so much of the same money &c. aboue limited to bee left vnto her, as the same manors, &c. so purchased and assured to the said P. and A. and to their heirs

afore-

aforesaid, shalbe duly proued to haue cost at the time of the buying and purchase of the same, without fraud, couin, or guile, any thing rehearsed to the contrary &c. And furthermore the said P. S. P. and L. &c. couenant &c. that he the said P. nor his assignes, nor any other person or persons by his or their means, consent or procurement shall do or commit, or wilfully permit or suffer to be done any act or acts, thing or things, whereby such lease or terme of yeres as T. B. late husband of the said A. did giue vnto the said P. B. their daughter after the decease of the said A. by his last will and testament might be determined, surrendred, euicted or impaired, but y the said manor, lease, and terme of yeres, immediately after the decease of the said A. shal and may come to the said P. according to the will and testament of the said T. B. And also shall deliuer vnto the said P. at the day of her mariage, or within one yere after, the resdue of all such goods, mony, plate, or houshold stuffe, as the sayd T. B. her late father did bequeath to her by his last will and testament, being duly proued to haue comen, and remaine, and be in the hands and possessions of the said P. and A. And further the said P. S. P. and L. &c. couenant &c. that if it shall fortune the said A. to decease or depart this mortall worlde before the said P. without any issue of their two bodies betweene them lawfully begotten, that then the said P. within one moneth next ensuing after the decease of the said A. shall giue and pay, or cause to be paid to the said P. xl li. &c. to buy a nest of goblets. And further if it shall fortune the said A. to decease before the said P. that then the said P. shal licence the said A. before her decease, to declare and make her last will and testament in writing, and by the same to giue and bequeath to any person or persons, legacies to the value of &c. at her pleasure, and the same last will and testament so made and declared &c. the said P. shal in all things performe and fulfill, according to the tenor and true meaning of the same. In witnesse whereof &c.

Couenants of Mariage.

THis Indenture &c. Witnesseth, That it is couenanted and graun- Sect. 87.
ted, concluded and agreed, by and betweene the said parties to these presents, in manner and forme following. And first the said B. L. for himselfe &c. doth couenant &c. that L. L. his sonne and heire apparant, at or before the first day of June next ensuing the date hereof, shall (by the grace of God) marrie and take to his wife A. M. daughter of the said L. M. if she will thereunto assent, and the lawes of the church will that permit. And that hee the said B. L. his heires or assignes, before

before the first day of J. at the reasonable costs and charges in the law of the said T.R. his executors or administrators, shall and will make or cause to be made, such a good, sure, sufficient, and lawfull estate of all his manors and lordships of B. &c. vnto R.S. J.L. R.R. and T.R. and their heires for euer, as shall be reasonably deuised, aduised, or required by the said T.R. or his heires, or by his or their Counsell learned in the Lawes of this realme, to the only vses and behoues hereafter in these presents declared, that is to wit, that the said feoffees, their heires and assignes shall stand and be seised of all the said manors, tenements, hereditaments and premisses, with thappurtenãces in &c. to the vse and behoofe of the said B.T. and his heires, for and vntill the day of the solemnization of the said mariage, and from and after the solemnization of the said mariage, to the only vse and behoofe of the said T.T. and A. for and during their two lines, and during the life of the longer liuer of them, and from and after their deaths, to the only vse and behoofe of the said T.T. and to the heires males of the bodie of the said T.T. of the bodie of the said A. lawfully begotten, and for default of such issue male, then to the vse and behoofe of the said B.T. and the heires males of his body lawfully begotten, And for default of such issue male, then to the vse of the right heires of the said B.T. and his heires for euer, With a Couenant to saue harmeleese, Except the ioynture or dower, or title of ioynture or dower of L. now wife of the said B. and except all leases for yeares or lines &c. And except all such auncient estates taile as haue beene heretofore made of the said tenements and premisses, or of any part thereof by any auncestor or auncestors of the said B. And except all such auncient waies and commons of pasture, estoners, quarry, or turbarie, as haue time out of mind beene rightly had and vsed, in or through the same, or any part thereof, if any such be. And except the chiefe rents and seruices, and other rents of ancient time, due and accustomed to bee paied, hereafter to become due or payable out of, or for the premisses or any part thereof. Heere may bee added Couenants of being seised &c. and of further assurance to the vses aboue said &c. and for quiet enioying &c. And of, and in one other tenement in &c. to the vse of the said B. during his life, and after the decease of the said B. then to the vse and behoofe of the said T.T. and of the heirs males of his bodie, on the bodie of the said A. lawfully begotten, and for default of such issue, to the vse of the issues females of the said T.T. of the body of the said A. lawfully begotten, for, and during the space of so many yeares after the death of the said T.T. and B. as there shall bee seuerall issues females of the bodies of the sayd T.T. and A. lawfully

begotten,

begotten liuing after the deathes of the said T. T. and B. if there shall bee then liuing more then one, and vnder fiue such issues females, And if there shall be liuing after the death of the sayd B. and T. T. without issue male of the bodies of him, and the said A. lawfully begotten, fiue, or more, such issues females of their bodies lawfully begotten, then to the vse of the sayd fiue or more such issues females of their bodies lawfully begotten, for and during fours yeares, next after the deathes of the said T. T. and B. And if after the deathes of the said B. and T. T. without issue male of the bodies of the said T. T. and A. lawfully begotten, there shall be liuing one onely such issue female of their bodies lawfully begotten: Then to the onely vse and behoofe of the same one such issue female during the space of two whole yeares next after the deathes of the sayd B. and T. T. And if after the death of the said T. T. the said B. being then dead, there shall be no issue male or female of the bodies of the said T. T. and A. liuing: Then to the onely vse of such his daughter or daughters being borne aliue as the sayd A. shall be with child by the said T. T. at the time of his death, during the space of two yeares next after the deathes of the said T. T. and B. if the said daughter or daughters, or any of them so long doe liue. And from and after the end of such yeares, as so hereby before limited to the vses of the said issue or issues female of the bodie of the said T. T. and A. lawfully begotten after the death of the sayde B. to the vse of the said T. T. and of the heires males of his bodie lawfully begotten. And for default of such issue male, then to the vse of the next issue male of the bodie of the said B. lawfully begotten, and to the heires males of his bodie lawfully begotten, and for default of such issue male, then to the vse of the next heire male of the said B. and the issue male of the bodie of that heire male lawfully begotten. And for default of such issue male, then to the vse of the said B. and his right heires for euer and to, or for none other vse, intent, and purpose. Prouided alwaies, and vpon condition following, and neuertheless it is the true intent and meaning of these present Indentures, and of all the parties to the same, and of all the assurances hereafter to be made by the said B. of the said manors, landes, tenements, and hereditaments, with the appurtenances in S. R. S. C. N. W. S. T. Y. M. aforesaid, and of euerie or any part thereof, that it shall and may bee lawfull vnto the said B. at all times hereafter during the life of the said B. to graunt and assure vnto L. T. the younger sonne of the said B. one yearely rent, or rent charge of twentie Marches of lawfull English money, with a clause of distresse for the same, to be

issuing,

issuing, perceyued, had, and taken by the said L. or his assignes, from such time as it shal please the said B. by his said grant to limit the same yearely to begin, during the life of the said L. or during any number of yeares, that the said B. shal therefore set downe, name, or appoint, if the said L. shall so long liue, out of all, or any of the said Manors, Landes, Tenements or Hereditaments S. R. in S. C. N. B. S. M. H. & W. or any of them, or out of any part of them, or of any of them. And that it shall and may bee lawfull, to and for the said L. M. and his assignes, according to the purport and meaning of such grant of the said rent so to him to be made, as is aforesaid, to distraine for the said rent and arrerages thereof which shall happen to bee behind vnpaied in any part of the said last recited premisses: any thing in these presents contained, or any conueyance or assurance hereafter to be had or made of the premisses, or any part thereof, to the contrarie in any wise notwithstanding. And the said B. M. for himselfe &c. doth couenant &c. that hee the said B. his executors, or assignes, shall and will either by his last will and testament, or otherwise, as shall be reasonably deuised by the said M. R. the elder, his heires &c. or by his or their counsell learned in the Lawes, &c. giue, conney, and assure, all or so much of those messuages, houses, lands, &c. which the said B. and his assigns now haue, hold, and occupie, within the towne, fields, parish, and territories of S. R. aforesaid, by demise, grant, or lease from the Queenes Maiestie that now is, for the terme of any yeres, to the said L. M. and his heirs males, immediatly from and after the death of the said B. And that he the said L. M. shall and may from and after the death of the said B. haue, hold, possesse, and inioy the same lease, lands, tenements, &c. from and after the death of the said B. And ẏ the said L. M. shall then be (if hee the said L. M. so long doe liue) discharged or saued harmeles, of, and from all former bargaines, grants, leases, charges, and incumbrances whatsoeuer heretofore sithence the 6. day of Feb. last past before the date hereof, and hereafter to bee had, made, done, knowledged, or willingly suffered of the same premisses, or any part therof by the said B. or his assigns, with a prouiso or condition in such conueiance or assurance thereof to be conueyed, that the said L. M. shall assigne so much of the said terme as shall be to extend at the time of his death to the heires males of his bodie lawfully begotten. And that hee the saide B. or his assignes, shall and will at his and their owne proper costes and charges, giue, finde, and allow to the said L. M. and A. and to one man seruant, one woman seruant, and all such children as shall bee had and begotten betweene the said L. M. and A. during twelue yeares next insuing

the

the day of the ſolemnization of the ſaid marriage, if the ſaid B. ſo long doe liue, ſuch ſufficient, neceſſarie, and conuenient houſerowme, meate, drinke and lodging, at or in the now dwelling houſe of him the ſaid B. T. of S. R. aforeſaid, or elſe where the ſaid B. ſhall remaine and dwell, as he the ſaid B. T. ſhall prouide for himſelfe and his familie, And that he the ſaid B. ſhall likewiſe during the ſaid xij. yeares, if either the couerture betweene the ſaid T. T. and A. ſo long doe continue, or the ſaid A. ſurviuing the ſaid T. T. doe keepe her ſelfe ſo long a widdow, giue, finde, and allow to them the ſaid T. T. and to the ſaid A. ſurviuing the ſaid T. T. ſuch conuenient ſtable rowme, hay, prouender, ſtraw, and graſſe for two geldings, horſes or mares of the ſaid T. T. or A. him ſurviuing during the ſaid ſpace of twelue yeares next enſuing the day of the ſolemnization of the ſaid marriage, if the ſaid B. ſo long doth liue, and in ſuch place and manner, as the riding horſes, geldings, and mares of the ſaid B. T. ſhall haue ſtable-roome, prouender, hay, ſtraw and graſſe during the ſaid time, or if either the ſaid B. ſhall diſlike or refuſe to yeeld to and for ỳ ſaid T. T. and A. their ſaid children, ſeruants, & horſes, ſuch allowance as is aforeſaid, or to ỳ ſaid T. T. and A. or the ſaid A. ſurviuing the ſaid T. T. ſhall diſlike or refuſe to accept or take ſuch allowance as is aforeſaid, that then the ſaid B. euery yeare of the ſaid xij. yeres, in which he ſhall not yeeld to them ſuch allowance as is aforeſaid, if the ſaid B. ſo long do liue, ſhall for the ſame pay or cauſe to be paid to the ſaid T. T. and A. during the couerture, and to the ſaid A. ſurviuing and keeping her ſelfe ſo long a widow. xl.li. of lawfull Engliſh mony, in the now dwelling houſe of the ſaid B. in S. R. aforeſaid, at the feaſt of P. & P. by euen portions. And the ſaid T. R. the elder, for himſelfe, his executors and adminiſtrators doth couenant, promiſe, and agree, to and with the ſaid B. T. his executors and adminiſtrators, that the ſaid A. R. ſhall and will by the grace of God, at, or before the ſaid 6. day of July now next comming, marrie and take to her huſband the aforeſaid T. T. if the ſaid T. T. will thereunto aſſent and agree, and the lawes of the church will that permit and ſuffer, &c.

Here may be further expreſſed ſuch further conſiderations as be yeelded on the daughters behalfe, and ſuch other couenants and conditions as ſhalbe requiſite on that part.

Couenant to make a ſeiſture.

THis Indenture made &c. Betweene W. Y. &c. of the one party, and T. S. and I. L. of the other partie, Witneſſeth, that the ſaid W. Y.

Y. for and in consideration of iointure to bee made to I. his wife, for himselfe &c. couenanteth &c. that hee the said W. Y. his heires and assignes, before the feast day &c. shall make or cause to bee made to the said T. S. and I. L. a good, perfect, sure and sufficient estate in the law in fee simple, of, and in all his manno^rs of Y. &c. To haue and to hold the said manno^rs, lands, tenements, and all and singuler the premisses with the appurtenances to the said T. S. and I. L. to the onely vse of the said W. Y. and I. S. his wife, during the life of the said I. and to the heires of the said W. Y. for euer. And for further assurance, securitie, and sure making of the said manno^rs, lands, tenements, and all other the premisses, to bee had and made to the said T. and I. and to their heires, to the vse and intent aforesaid. The said W. Y. for him &c. couenanteth &c. that he the said W. Y. his heires and assignes from time to time, and at all times during the space of &c. vpon reasonable request &c. as in couenants of further assurance, and sauing harmelesse.

Except the yearely rents, customes, and seruices which hereafter shall be due, or going out of the premisses, or of any part or parcell thereof, to the Queene our Soueraigne Lady, or to the Lord or Lords of the fee or fees. And except all leases and graunts by copie of a Court roll of the same manno^r made, or to be made, whereupon the accustomed rents be or shall be reserued &c. And that the said manno^r &c. now at the making of the said assurance, shall be of the cleere yearely value of &c. ouer and aboue all charges and reprises, and so shall and may continue and bee during the life naturall of the said I. without fraude or couen. And the said W. Y. for himselfe &c. couenanteth &c. As in Couenants, that all other conueyances shall bee to the vses aboue-said. Prouided alwayes, and vpon Condition following, it is fully concluded and agreed, by and betweene all the said parties to these presents, That if the said I. surviuing the sayd W. Y. her husband, within two moneths after the decease of the said W. Y. doe not by her sufficient deed or deedes, release and surrender to his heires or assignes, and to their heires for euer, all her estate, right, title interest, and demaund, of, in, and to all lands, tenements, and hereditaments, with the appurtenances, which he the said W. Y. during the couerture betweene him and the said I. was seised of such estate, as the the said I. might thereof lawfully bee endowed, other then the sayd manno^rs, landes, tenements, and hereditaments aboue in these presents mentioned, to bee assured vnto her for her sayd iointure: That then immediately from and after the end and expiration of the sayd two moneths, next after the death of the said W. Y. no such release

release, as is aforesaid, being so made, the said feoffees and the survivors of them and his heirs, shall be seised to the only vse of the right heires of the said W.H. and of their heires for ever: any thing in these presents contained to the contrary thereof in any wise notwithstanding. In witnesse &c.

Couenants of marriage, and to leuie a fine and suffer a recouerie.

Sect. 88.

THis Indenture tripartite &c. Betweene G.S. and E.T. on the first partie, and C.D. and I.D. on the second partie, And F.W. and F.K. T.B. and P.R. on the third partie, Witnesseth, that it is couenanted, concluded, and agreed, by and betweene the said G.S. and the said C.D. in manner and forme following: that is to say, the sayde G.S. on his partie doth couenant &c. that the said E.T. shall marrie &c. And in like manner the said C.D. &c. that the said I.D. shall marrie &c. In confirmation of which said marriage, the said G.S. doth couenant &c. that he the said G.S. and the said E.T. vpon reasonable request to them to be made by the said C.D. and at the costs and charges in the Law of the said C.D. shall and will before the feast of &c. leuie one fine, or seuerall fines &c. And it is fully concluded, couenanted &c. that the said T.B. and P.R. shall from and immediately after the leauying and ingrossing of the said fine or seuerall fines, or either of them, stand and bee seised of the said manors and premisses, and of euery part and parcell thereof: and that the same fine or seuerall fines shall bee to the vse of the said T.B. and P.R. and the heires of the said T.B. to the only intent and purpose that the said T.B. and P.R. shall stand and bee adiudged perfect tenants of the freehold of the said manors and premisses, and of euery part thereof, vntill a perfect recouery may be lawfully had and executed of the manors and premisses against the said T.B. and P.R. And the said G.S. doth couenant &c. that the said F.W. and the said F.K. or any other person or persons, which the saide C.D. shal nominate and appoint, shal and may at the costs and charges in the Law of the said C.D. his executors or assignes, commence and prosecute one Writ or seuerall Writs of Entre sur disseisin in le post, after the manner and course of common recoueries against the said T.B. and P.R. whereby they should demaund against the said T.B. and P. the said Manours, Landes, and Premisses, and euery part and parcell thereof, by any name or names whatsoeuer, vnto which said writ or seuerall writs, the said T.B. and P.R. shall appeare in proper person, or by their Attorney or Attorneys, lawfully and sufficiently authorized: And shall vouch to warranty the said G.S. and E.T.

and that the said G.S. and C.D. shall appeare vpon the day vouches in proper person, or by their attorney or attorneys lawfully authorised, and shall bouch to warranty the common vouchee. And that the common vouchee shall appeare and imparle, and afterwards make default, whereby a perfect iudgement may bee had and giuen for the demaundants in the same writ or writs against the said W.B. and R.R. for the recouery of the said manors and premisses. And likewise for the said L.B. and R.R. to recouer in value against the said G.S. and C.D. after the manner and course of common recouveries in such case vsed, and it is fully concluded &c. to these Indentures, to them and their seuerall heires, and euery of y said parties doth seuerally couenant and conclude, to & with the other and their seuerall heires, That the said recouveries and their heires, shall from and immediatly after the knowledging and perfecting of the said recoueryes or recouveries, stand and be seised of the said manors, rectories, and premisses, and of euery part and parcell thereof, and that the same recouerie or recoueries, iudgement or iudgements, recouerie or recouveries in value, and euery thing and matter thereupon proceeding, shall then and from thenceforth be construed, had, and taken, and bee for the vse and behoofe of the said G.S. and his assignes, for, and during all the terme and space of 80. yeares, if the said G.S. shall so long liue. And after the death of the said G.S. to the vse of C.M. and of the heires which he shall beget of the body of the said I.D. And for default of such issues, as the said G.S. might beget of the said C.M. for euer. Prouided alwaies, that the said G.S. and C.M. or either of them, shall not be compelled to trauell from the place where they or either of them shall remaine or dwell at the time of such request or requests to be made for the ioyning, knowledging, or executing of the said fine or fines, warrant or warranties of attorney, recouerie or recouveries, or any of them, or for doing and performing of any act or thing thereupon depending. And the said G.S. doth also couenant & promise that whereas the said G.S. hath heretofore by his great and greeuall conueyance being made for the payment and satisfying of the most part of his inheritance, assured vnto the said C.M. and to the heires males of his bodie issuing, all those lands that the said I.D. heretofore assured vnto the said C.M. and to the heires males of his bodie issuing, and the said lands &c. couenanted by those presents to be conueyed, as is aforesaid, together with all such other mannors, lands, &c. as the said G.S. shall and will in his life time assure vnto the said C.M. or to such heires, and assurance as shall accord to be had at the time of the said marriage, and all assurances without exception to be made, shall be then of the clere yearly value of 40. pounds,

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pounds, cleer and above all charges and repaises. And that he the sayd G. S. hath not hereto fore done, nor hereafter shall doe any acte or thing, whereby the said manors, lands, tenements, and premisses, shall not, nor may not after the death of the said G. S. and solemnization of the said marriage, remaine and continue, to such vses, intents, and purposes, as in this Indenture are mentioned and expressed, according to the true meaning hereof. And the said G. S. for the consideration aforesaid, doth further couenant &c. that if no good and perfect assurance and conueyance of the said manors &c. and premisses before mentioned to be assured by the said G. S. and E. T. be not made, and sufficiently perfected before the feast of &c. to be assured by this Indenture, shall not be conueyed and made sure, to such vses, intents, and purposes, as in this Indenture are mentioned and expressed, according to the true meaning hereof, that then and from thence forth the said G. S. and E. T. and their seuerall heires, and all and euery other person and persons, and his and their heires that now be, or hereafter shall claime or haue by, from, or vnder the said G. S. shall from and immediately after the said feast of &c. stand and be seised of the said &c. premisses before mentioned, to be assured by the said G. S. and E. T. and of euery part and parcell thereof, to vses, intents, and purposes, and vpon conditions and conditions in this Indenture mentioned and expressed, and to none other vse, intent, or purpose. And furthermore, the said G. S. doth couenant &c. that he the said G. S. and E. T. and the heires of the said G. S. shall and will &c. (as in couenants of further assurance) vnto the said F. W. and F. R. and T. B. and P. R. and to any of them, or their heires, or to the survivor or survivors of them, or their heires, or any other person or persons that the said E. D. shall thereunto nominate or appoint, and his and their heires, to vses, intents, and purposes in this Indenture mentioned and expressed, and according to the true effect and meaning of these presents: so that &c. And it is further agreed, and betweene the said parties to this Indenture, for them and their heires, and euery of the said parties doth seuerally couenant and conclude, to, and with the other, and their seuerall heires, by all and euery fine and fines, recouerie and recoueries, conueyance and assurance, hereafter to be made and executed of the sayd &c. before mentioned to be assured by the said G. S. and E. T. or of any part or parcell thereof by the said G. S. and E. T. or by the said T. B. & P. R. or by any of them, or by any of their person or persons, by the appointment and nomination of the said E. D. his heires or assignes, after the solemnization of the said marriage shalbe, And the said recouerers, & their heires, shal from

and immediately after the execution and perfecting of the said recouerie or recoueries of any other estate or estates, or conueyances thereof, from and after the solemnization of the said marriage, stand, and be seised of the said messuages and premisses, and of euery part and parcell thereof, to the only vses, intents, and purposes, in this Indenture mentioned and expressed, and to, and for none other vse, intent, or purpose. And the said C. D. in consideration of the said marriage, doth on his part couenant &c. that the said C. D. vpon reasonable request to him to be made by the said G. H. and E. L. or either of them, at the costs and charges in the law of the said G. H. and E. L. or of the one of them, shall and will before the feast of &c. leuie a fine sur cognizance de droit come ceo &c. vnto the said E. B. and H. M. of all those &c. As in couenants to leuie fines. And it is fully couenanted &c. as in couenants limiting the vses of fines. And that the last recited fine shall be and inure to the vse of the said E. B. and H. M. and of the heires of the said E. B. and H. M. in the first place, and before the vses, intent and purpose, that the said E. B. and H. M. shall stand and be seised of and in the said messuages &c. and premisses (by sufficient conueyance) to be assured, as hereafter by the said C. D. and euery part and parcell thereof, vnto a perfect recouerie bee lawfully had and executed of the same, with double vouchers and warrant, against the said E. B. and H. M. according to the course of the Common Law. And the said C. D. doth further couenant &c. as in couenants for the acknowledging of a Recouerie, *vt supra*. And it is fully couenanted and agreed, by, and between &c. as before in the Couenant limiting the vses vpon the recouerie &c. shall then and from thenceforth bee bargained, sold, and taken, and inure, to the vse and behoofe of the said C. D. and his assignes, for, and during the terme and space of fiftie yeares then next ensuing, if hee the said C. D. shall so long liue, from and after the death of the said C. D. and after the solemnization of the said marriage, to the vse of the said E. M. and of the said J. D. and of the heires of their two bodies lawfully begotten. And for default of such issue, to the vse of the said J. and of her heires for euer. Prouided alwayes and vpon condition following, that the said C. D. shall not bee compelled to remaine from the place &c. And the said C. D. doth further couenant &c. as in couenants for being seised, and quiet enioying, discharged &c. Prouided alwayes, and it is so concluded and agreed, by and betweene the said parties to this Indenture, for them and their heires, that it shall and may bee lawfull, to and for J. D. for the terme of her life, in consideration of her power, and in the name of her ioynture, to haue and enioy all those lands, and tene-

tenements in W. &c. And that also it may be lawfull to him the said C. D. to conuey and assure to the vse of the said K. competent and sufficient lodgings within the &c. for her selfe and her familie, for terme of the life of the said K. any thing in this Indenture to the contrarie notwithstanding. Prouided also, and it is &c. that it shall and may be lawfull to the said C. D. to conuey and assure all his said lands and hereditaments in N. M. and L. to K. D. the yonger daughter of the said C. D. for, and during the life of the said K. or otherwise to graunt any rent or annuall paiment, which clause of bitterlie in the said lands &c. in N. M. and L. to the said K. his daughter, for, and during her life: any thing before to the contrary notwithstanding. And the said C. D. doth further couenant &c. that if a good and perfect assurance and conueyance of the said &c. manors, hoblships, lands, tenements, and premisses before mentioned, to be assured by the said C. D. be not made and sufficiently perfected before the feast of &c. whereby the said &c. last mentioned shall not be conueyed and made sure to such vses, intents, and purposes, as in this Indenture are mentioned and expressed, according to the true meaning hereof: that then, and from thenceforth the said C. D. his heires, and all and euery person and persons, and his and their heires which now be, or before the said feast of &c. shall stand or be seised of the same manors &c. or in any part thereof, by, from, or vnder the said C. D. shall from and immediatly after the said feast of &c. stand and be seised of the said manors &c. before mentioned to be assured by the said C. D. and of euery part thereof, to the vses, intents, and purposes, and vpon condition and conditions in this indenture mentioned and expressed, and to none other vse, intent, and purpose. And furthermore the said C. D. couenanteth &c. As in couenants for further assurance &c. that he the said C. D. and his heires &c. And it is fully agreed, by, and betweene the said parties to this &c. limiting the said fine and recouerie to the vses of this Indenture &c. And the said G. H. in consideration of the said mariage doth couenant &c. that the said G. H. or his assignes shall well and truely content and pay, or cause to be contented and paid vnto the said E. M. or his assignes, the annuall and yearely summe of 400 li. of lawfull English money, at the feast of &c. by euen portions yearely, for, and during the liues of the said G. H. and E. M. together for the yearely maintenance of the said E. and I. from the day of their marriage, vntill the death of the said G. H. And the said G. H. doth couenant &c. that if the said annuall or yearely summe of 400 li. bee not well and truely paied and answered vnto the said E. M. his heires and assignes at the said feastes &c. or within tenne daies next after any of

the said feasts at any time during the lines of the said G.S. and E.T. and during the said marriage: That then, and from thenceforth, the said recoueries and their heires shall stand and be seised of the said manor of S. and of all other the premisses before mentioned, to bee assured by the said G.S. and E.T. and of euery part or parcell thereof. And the said recouerie and recoueries shall be also deemed and taken to this intent and purpose: that is to say, that it shall and may be lawfull, for, and to the said E.T. and his assignes, into the said manor of S. and all other the premisses before mittioned, to be assured by the said G.S. and E.T. and euery part thereof, to enter and distraine &c. As in clauses of distres &c. from time to time during the life of the said G.S. and E.T. And the said G.S. doth further couenant &c. that if it shall fortune the said E.T. to die before the said I.D. and after the said solemnization of the said marriage, that then and from thenceforth the said I. shall haue yearely paied vnto her or her assignes at the church of S. the annuall rent of CC.li. of lawfull English money, for, and during the life of the said I.D. at the feasts of &c. by euen portions: the first payment thereof to begin at either of the said feasts, which shall next ensue the day of the death of the said E.T. Prouided alwaies, and vpon condition, and it is concluded and agreed, by, and betweene euerie of the said parties to this Indenture by these presents, for them and their heires, that if the said annuall or yearely rent of CC. pounds &c. limiting a distresse, and the vse of the premisses, *vt supra*. And for want of sufficient distresse, then to take and receiue the rents and profites of the said late manor &c. of S. aforesaid, as shall suffice and answere to paie the said yearely rent of two hundred pounds, and the arrerages thereof to the said I. yearely, during her naturall life. And the said C.D. on his part further couenanteth &c. that the said C.D. his executors or administrators, shall finde or prouide at his or their proper costs and charges in the house of the said C.D. for the said E.T. and I.D. and for eight seruants to attend vpon them, sufficient meate, drinke, and lodging, during the space of three yeares next ensuing the said marriage, with sufficient horse meat during the said terme. And where the said G.S. in further consideration of the said marriage, hath well and truely contented and paied vnto the said C.D. the summe of &c. Now the said C.D. doth couenaunt &c. that if it fortune the said I. to die without issue of her bodie lawfully begotten by the sayde E.T. that then he the said C.D. his &c. shall within three yeares next after the death of the said I. so dying without issue of her body, well and truely repay vnto the said G.S. his &c. the summe of &c. or in the &c.

And

And the said C. D. doth couenant &c. that if the said C. D. his &c. or some of them, doe not repay the said summe of &c. at the place aforesaid, vnto the said G. S. his executors or assignes, within the said terme of three yeres, next after the death of the said I. dying without issue of her bodie lawfully begotten by the said E. T. according to the true meaning of this Indenture: that then and from thenceforth the said recouerers and their heires, shall stand and be seised of the said manors, and other the premisses before mentioned, to bee assured by the said C. D. and of euery part and parcell thereof, to this intent and purpose following: that is to say, that it shall and may be lawfull, for, and to the said G. S. his &c. to enter into the said manors &c. before mentioned, to be assured by the said C. D. and into and of euery part thereof, and to take and receiue the rents, issues, reuenues, and profits thereof, comming and arising to the proper vse of the said G. S. his executors, administrators, or assignes, vntill hee or they be fully satisfied and payed, the summe of &c. of the same rents and profits of the same lands and premisses last mentioned. And lastly the said G. S. on his part doth couenant &c. that hee the said G. S. or his assignes, shall within one yeare next after the solemnization of the said marriage, prouide and set forth such a conuenient house at T. &c. for the said E. T. and I. D. with their children and familie to dwell in, during the life of the said G. S. as hee the said G. S. shall thinke to bee meete and conuenient for their estate and degree. In witnesse whereof to the first part of this Indenture tripartite, remaining with the said G. S. and E. T. the said C. D. and I. D. F. W. R. F. T. B. and N. R. haue put their hands and seales, And to the second part thereof remaining with the said C. D. and I. D. the said G. S. and E. T. haue put to their hands and seales, And to the third part of the same Indenture remaining with the said F. W. F. R. T. B. and N. R. the said G. S. and E. T. C. D. and I. D. haue put to their hands and seales the day and yeare first aboue written.

Couenants to pay conditionally.

PRouided alwaies, and it is fully concluded, condiscended, and agreed, by, and betweene the said parties to this Indenture, for them and their heires, That if it shall fortune R. P. the younger to die without issue male of his bodie lawfully begotten, and to haue issue but one daughter liuing at the time of his death, that then the next issue male in remainder, that shal or ought to inherit the said manors, lands and premisses, shal Sect. 89.

well and truly pay, or cause to be paid to that one daughter the summe of &c. at such time as the said daughter shall accomplish the age of &c. or be maried. And if it shall happen the said R. P. to die without issue male of his body lawfully begotten, or to haue issue no daughter but one liuing at the time of his death, That then such next issue male in remainder, that shall or ought to inherit the said maners, lands, and premisses, shall well and truely pay, or cause to be paid, to be equally diuided amongst such daughters, the summe of &c. of &c. at such time or times as the same daughters of the said R. P. shall accomplish the seuerall ages of &c. to be maried. And it is further agreed &c. and the said P. P. doth couenant &c. that the said T. S. and his said feoffees and their heires, from and after the death of the said P. P. and after the death of the said R. P. the younger, dying without issue males of his body lawfully begotten, shall stand and be seised of all and singular the said manors and premisses, (the said lands and grounds appointed for the Ioynture of the said F. P. excepted.) And after the death of the said F. and her ioynture lands excepted, to the intent that if A. daughter of the said R. P. the younger, be not well and truly satisfied and paid the summe of &c. And if there be no more daughters but one, then the said summe of &c. at such time and times, as such daughter or daughters shall accomplish the seuerall ages of &c. to be maried, that then and from thenceforth it shall be lawfull for such daughter or daughters to enter into all the lands and premisses, other then the said lands &c. appointed for the ioynture of the said F. P. and to receiue and take the rents, issues, and profits thereof, to her or their owne vse, vntill such time as such daughter of the said R. P. be fully satisfied and paid the said summe of &c. And if there be more daughters then one, then vntill the said daughters haue so had and receiued the said summe of &c. of the rents, issues, and profits of the said manors, lands, and premisses.

Couenants to leade the vse of a Fine, and to leuie the same.

Sect. 90. THis Indenture serpartite made &c. Betweene R. B. &c. on the first party, And I. W. and W. W. his sonne and heire apparant on the second party, And L. L. of &c. on the third party, And W. F. on the fourth party, And T. S. of &c. on the fift partie, And T. W. of &c. on the sixth partie, Witnesseth, that for diuers sufficient considerations it is mutually couenanted, concluded, and agreed, by and betweene all the said parties, that the said R. B. I. W. W. W. T. L. W. F. and T. S. at their indifferent costs and charges, before the 22. day of November next ensuing the date hereof, shall knowledge, and leuie a fine

with

with proclamations according of the Statute in that behalfe prouided after the common course of Fines in such cases vsed, betwene the said W. W. of all such coales and coale-mines in the common fordle field of G. aforesaid, as sometimes were the I. G. of D. in the said Countie Esq. deceased, Of all messuages, lands, tenements, medowes, pastures, woods, underwoods, commons, rents, reuertions, and hereditaments with the appurtenances of the said W. L. situate, lying, and being in G. and now in the tenure or occupation of R. A. or of his assignes; And of all messuages, cottages, lands, tenements, medowes, pastures, woods, underwoods, commons, rents, reuertions, and hereditaments with the appurtenances, situate, lying, and being in G. aforesaid, in the tenure and occupation of R. C. or of his assignes, which the said W. W. lately purchased of the said R. B. And of all those closes, lands, tenements, medowes, pastures, and hereditaments with the appurtenances called Copleys, containing by estimation 30 acres of ground, situate, lying, and being in D. in the said Countie of S. now in the tenure and occupation of the said W. F. or his assignes, and which the said W. W. lately purchased of the said R. B. And of all those closes, lands, tenements, medowes, pastures, and hereditaments with the appurtenances of the said W. L. called &c. containing &c. situate &c. which the said L. A. and the said W. F. now haue of the grant and demise of the said W. W. And also this fully couenanted, concluded, and agreed by and betweene all the said parties to these presentes, that the said fine so to be leuied, shall be and inure, And the said L. W. the cosen of the said W. to be named, and his heires, at the verie time of leuying and knowledging of the same fine, and euer afterwards shall stand and be seised by vertue and force of the said fine, of, and in all the said messuages &c. with the appurtenances, to the sole and vse, purposes, and intents hereafter in these presents contained, expressed, limited, appointed, and declared, and to, or for none other vse, intent, or purpose; that is to say, of, and in all, and all manner of coales and coale mines to be found, in, or vpon the arrable land, parcell of the premisses lying in the common fordle fields of G. aforesaid, with free and absolute power, interest, liberty to digge, dig, load, and carrie away the said coales, at all and euerie conuenient time and times hereafter, not spoiling or destroying any corne which hereafter shall happen to be or growe in, or vpon the said arrable land, or in, or vpon any part thereof, to the only proper vse and behoofe of the said R. W. his heires and assignes for euer. And of, and in all the said messuages &c. of the said W. L. situate, lying, and being in G. aforesaid, in the tenure or occupation as is aforesaid, of the said R. A. or of his assignes.

ſignes. And of and in all the ſaid cloſes, lands, tenements, medows, paſtures, and hereditaments of the ſaid T. L. called &c. containing &c. ſcituate &c. which the ſaid Wil. F. and T. I. now haue, as is aforeſaid, of ỹ demiſe of the ſaid T. L. (ſuch libertie, title, and intereſt in the premiſſes in C. aforeſaid as before in theſe preſents is limited, to the vſe of ỹ ſaid R. B. his heirs and aſſigns only excepted) to the only proper vſe and behoofe of the ſaid T. L. and of the heirs of his body lawfully begotten, and to be begotten: And for defaut of ſuch iſſue, to the onely proper vſe and behoof of the right heirs of the ſaid T. L. for euer. And of, and in all the ſaid meſſuages &c. with the appurtenances, ſcituate &c. in the tenure or occupatiõ of R. C. or of his aſſignes, which the ſaid T. S. (as aboueſaid) purchaſed of the ſaid R. B. ſuch libertie, title, and intereſt therein, as before in theſe preſents is limited to the vſe of the ſaid R. B. his heires and aſſigns only excepted, to the only proper vſe and behoofe of the ſaid T. S. his heirs and aſſigns for euer. And of and in all ỹ ſaid cloſes, lãds, &c. with the appurtenances, called &c. containing &c. ſcituate &c. now in the tenure and occupation of the ſaid Wil. F. or of his aſſignes, and which the ſaid Wil. F. (as aboueſaid) purchaſed of the ſaid R. B. to the onely proper vſe and behoofe of the ſaid Wil. F. his heirs &c. for euer, and to, or for none other vſe, intent, &c. And that the ſaid fine and fines, and all other conueiances and aſſurances before remembred, ſhall only extend to the premiſſes before expreſſed and remembred in theſe preſent Indentures, and to none other lands, tenements, or hereditaments, of the ſaid D. P. in the townes aforeſaid. In witneſſe whereof to the firſt part &c.

Couenants to leuie a Fine, and make other conueiances to the ſame ſent to continue the lands in his Surname.

Sect. 91. THis Indenture made &c. Betweene D. N. of Wil. of the one partie, and R. Wil. R. N. and H. N. on the other partie. Witneſſeth that as well for the reuiuing and continuance of an ancient intaile to the heires males of the ſaid D. and his anceſtors, of, and in all thoſe manors, &c. whereof the ſaid Wil. N. father of the ſaid D. died ſeiſed, lying and being in the Countie of D. as alſo for, and in conſideration of the continuance of the ſame premiſſes in the Surname of the ſaid N. and for the better continuance of the ſame houſe of N. in his name and blood, and for diuers other good cauſes and conſiderations him the ſaid D. ſpecially moouing, he the ſaid D. N. doth by theſe preſents couenant with the ſaid R. R. and H. and euery of them, in this preſent Terme of Saint Michael, and in the firſt yeare of the Raigne &c. that he the ſaid D. ſhall acknowledge by fine, in due forme of Law to be leuied be-

fore

foze the Queenes Maiesties Iustices of the common Place at Westminster, of all and euery the manoz &c. of the same D. in the said county of D. by the name of the manoz of &c. with the appurtenances, in, and whereby &c. And also that he the said D. shall and will on this side the feast of &c. next comming after the date hereof, by his sufficient deede in law, infeoffe the said R. R. and Y. of and in all those his manoz &c. lying and being &c. To haue and to hold all the same lands, tenements, and hereditaments comprised in the said deed of feoffement, to the said R. R. and Y. and to their heires, to the onely vse and behoofe of such persons and their heires, and in such manner and fozme, as in these presents shall be hereafter recited and expressed, which said assurance and conueyances of the premisses so had and made, and in due fozme of law executed, shall be to the seuerall vses hereafter in these presents mentioned. And also it is couenanted, concluded and agreed, by and betweene the said parties to these presents for themselues, And the said R. R. and Y. doe couenant &c. That the said assurance and conueyances of the said premisses shall bee &c. And also that the said R. R. and Y. and their heires, from and after the same fine knowledged, and after the same feoffement executed, shal stand and be seised, of, and in all those said mannoz &c. seuerally contained, specified, and mentioned in the fine and feoffement, to the vses, intents, effect, and meaning hereafter in and by these presents mentioned and expressed, and to none other vse, effect, meaning oz purpose: that is to say, To the vse of the said D. one of the parties to this Indenture for terme of his natiue life if he so long doe liue, without impeachment of waste. And after his death, to the vse of the heires males of his bodie lawfully begotten. And for default of such issue, to the vse of G. B. brother of the said D. for the terme of &c. (if hee so long doe liue.) And after his death, to the vse of his heires males of his bodie lawfully begotten. And for default of such issue male of the bodie of the said G. B. lawfully begotten, then that hee the said R. R. and Y. and their heires, shall stand and be seised of, and in all the premisses, mentioned and contained in the said fine and deed of feoffement, to the vse of Y. B. and of the heires males of his bodie lawfully begotten. And for default &c. except &c. Prouided alwaies, and it is neuertheless couenanted and lawfully agreed &c. for them and their heires, and the heires of euery of them, that if the said G. B. after the death of the said D. without heire male of his bodie &c. make oz cause to be made to any the wife of the said D. one estate for terme of life of such wife for her ioynture, of, oz in any part oz parcell of the premisses, amounting to the yearely value of 20 li.

and

and not aboue, and not being the wastes and demeanes of the or any parcell thereof. Or if the said E. after the death of the said D. without issue male of his bodie, doe make or declare a Will or Testament in writing of lands and tenements parcell of the premisses, or of a yerely profit to be received or taken out of the same, to the yearely value of 20. li. and not aboue, cleere and aboue all charges and reprises, vntill such time as each and euery of the said daughters of the said D. excepting the said D. the same D. dying without issue male, as is aforesaid, shall bee satisfied of one hundred markes, for and towards their marriages, as by the same Testament shall be limited and appointed: that then as now, and now as then, the said R. R. and Y. and their heires, and the heirs of the survivor of them shall stand and bee seised of such the premisses to the said seuerall vses, and to such vse meant, limited, assigned, or appointed, and to none other vse, intent, or purpose, for what time or times so limited, assigned, meant, or appointed. Prouided furthermore, and it is further agreed betweene the said parties, that if any of the said persons, other than the said D. to whom this reuersion before mentioned, shall chance to come to remaine, or refuse to be bound to I. M. and I. D. or to either of them, or their heires, in the summe of C. li. of lawfull co. by recognisance or by Statute, with condition thereunto endorsed, That if he or any of them or their heires doe not alien in any wise the premisses, or any part or parcell thereof, contrary to the true intent and meaning of this present Indenture, but suffer the same, and euery part and parcell thereof to descend, come and remaine, according to the purport, effect, and true meaning of this Indenture, That then the said recognisance and Statute to be void and of none effect, that then as now, and now as then, vpon such refusall, the said R. R. and Y. their heirs, and his heires, and euery of them, shall absolutely from thencefoorth stand and be seised of all and singular the premisses, after the death of such as before is spoken of without issue male, to the only vse of him that is next in the remainder vnto him, that shall or doth make such refusal, and of the said heires of his bodie lawfully begotten, with like remainders euery one to other of the premisses and premisses to him and euery of the other than the party so refusing, according as is before expressed: any thing in this present Indenture to the contrarie in any wise notwithstanding. Prouided furthermore, and it is so agreed &c. that if the said D. P. partie to these presents, D. P. or any other the persons before rehearsed, to whom the remainder or remainders of the premisses before in these presents limited in vse, or any of the heires males, or heires of the bodie or bodies of any of the persons before limited and lawfully begotten, being

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inheritable to any estate in possession or reuersion in the premisses, by force of these presents, shall doe, at any time or times hereafter promise, purpose, or goe about by fine or fines, feoffement with warrantie, or any other act in deed, or in Law, to lose, alter, change, discontinue, or barre any of the sayd estates in the premisses, or in any part or parcell thereof, to permit or suffer any recouerie to be had against them, or any of them as tenants in deed or in law of the premisses, or of any part or parcell thereof, or by voucher in any action or suit, whereby any of the estates before limitted, shall or may bee in any wise lost, vacked, altered, changed, or barred, and not haue their full continuance, according to the limitation, intent, and true meaning before expressed, as well to them, and euerie of them, and to the heires males, of their bodies, as to all other before expressed in remainder, and to their heires males, or the heires of their bodies lawfully begotten, according as is before expressed, otherwise or in any other forme then is before in these presents expressed and prouided: That then as well the person as persons, his and their heires so purposing, practising, or going about any of the said deuises, or procuring, or suffering the same, or consenting thereunto, as also all other persons and their heires shall be seised, of, and in the premisses, and euery parcell thereof, shall thereupon stand, remaine, and bee seised, of, and in all and singular the same messuages, lands, tenements, and hereditaments, to be lost, recouered, knowledged, altered, discontinued, charged, or barred, to the only vse and behoofe of the next person, being by these presents and meaning hereof inheritable to the same premisses, by force of this present gift, by discent or remaynder after the decease of the same person or persons, which so shall purpose, practise, or goe about, as before mentioned, and of the heires males of the same next person lawfully begotten, in such sort and forme as is before expressed. And that this present condition, as touching alienation, or other the practises and deuises aforesaid, shall stand, remaine, and bee in like force also against the same person or persons, which so shall haue or take the benefit of the same condition, & against the heires males, and heires of his bodie lawfully begotten, And so from heire to heire, and from reuersion to reuersion, and their heires, so long as the present gifts shall or may haue any continuance. And the said D. M. for him, his heires, and administrators, and the said R. R. and P. and their heires, do couenant and grant, to and with either and euery of them, their heires, and assignes, that all and singular acts and things, assurances and conueyances hereof to bee done or suffered whatsoeuer of the premisses, or any part or parcell thereof. And all and euery other

Vide Cok. 1. fol. 84. 6. fol. 40.

person

person or persons now seised, or hereafter to bee seised of any estate or estates of inheritance whatsoeuer, shall stand and be adiudged to be seised to the only vse, intent, and true meaning of this present Indenture, and to none other vse, intent, and purpose. In witnesse &c.

Couenants limiting the vse of a single fine, leuied by the husband and wife.

Sect. 92.

THis Indenture &c. Witnesseth &c. Whereas the said L. H. and B. stand seised in their demesne as of fee, in the right of the said B. in all that the mannor of L. &c. and in three messuages &c. in the countie of S. and the said W. L. and B. so being thereof seised, the said B. for good causes mouing to aduance with her said lands, her husband, and the issue of his bodie, for want of issue of her owne bodie lawfully issuing: Now it is thereforo couenanted &c. betweene the said parties to this Indenture, and euerie of them. And first the said W. L. and B. for themselues, and euerie of them, and for the executors and administrators of them, and either of them, doe couenant, promise, and grant, to, and with the said L. R. and I. F. and either of them, and to, and with their heires, executors, and administrators of them, and either of them by these presents, that the said W. L. and B. his wife, on this side and before the feast of &c. at his or their owne proper costs and charges in the law, shall permit and suffer the said R. L. and I. F. in their owne names, to pursue two seuerall originall writs of Couenant against the said W. L. and B. his wife, seuerally to bee directed to the Sheriffes of S. and L. and by the same seuerall writs it shall be demanded, that the said W. L. and B. shall hold couenant with the said L. R. and I. F. betweene them made, of all and singular the manors &c. by the name of &c. or by any other name or names whatsoeuer. And of all and singular the lands &c. of the said W. L. and B. or of either of them in the said Countie of L. by the name of &c. or by any other name or names whatsoeuer, the same writs to bee returnable, as returned before the Queenes Maiesties Iustices of her Common Pleas at Westminster, according to the course of the Common Law, in such cases vsed, and thereupon the said W. L. and B. shall knowledge by seuerall records and fines, the said manors &c. to bee the right of the said L. &c. And further it is couenanted &c. that the same two seuerall fines so to be leuied, ingrossed, and executed in due forme of law shall be and inure &c. And that the same L. R. and I. F. and their heires, from and after the ingrossing of the same fines, shall be seised of all the said manors &c. in the said two seuerall fines so to be mentioned, and of, and

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in euerie parcell thereof to such vses and intents, as hereafter in these presents are specified and declared, and to none other vse, intent, or purpose: that is to say, to the vse of the said W. T. and B. &c.

A Couenant that vpon agreements to sell an estate, shall cease.

PRouided also, that if after such repayment of the said summe of &c. to be made to the said F. K. or vnto his executors or assignes, at the time and place before expressed, it shall fortune the said D. his executors or assignes, to make any voluntarie promise, conclusion, or agreement, for, or concerning the selling, graunting, or alienation of the said mottie of the said Rectorie and premisses, or of any part or parcell thereof, or of any profites or commodities belonging to the said parsonage, either touching the whole estate therein, or touching any part thereof, that then presently vpon such promise, conclusion, or agreement, the state and interest of the said D. his executors and assignes, in, and to all the whole mottie of the said Rectorie shall haue no further being, but shall be deemed, esteemed, and adiudged in the said F. his executors and administrators, as though no such repayment of the said money had bin made, and presently vpon such promise, conclusion or agreement, it shall and may be lawful to the said F. K. his executors, administrators and assignes, to enter into the said mottie of the said Rectorie and premisses, and the same to haue and enioy to his own vse, without any let or interruption of the said D. or of any other claiming any thing therein, by, from, or vnder him. Sect. 93.

Couenants to leuie a fine vpon grant and render.

THis Indenture made &c. Betweene G. T. and A. his wife, and D. B and I. his wife of the one party, and G. E. of the other party, Witnesseth, that it is condiscended and agreed betwixt the said parties, that the said G. T. and A. his wife, D. B. and I. his wife, before ye end of Trinitie terme next ensuing the date hereof, shal leuie a fine &c. And for the knowledge, release, quit-claim, fine, warrant and concord, the said G. E. shall by the said fine grant to ye said T. and A. his wife, the said tenements with the appurtenances, and the same by the said fine shal also render in the same Court to the said G. T. and A. his wife. To haue and to hold to the same G. T. for terme of &c. And after the same terme ended, the said tenements shall remaine to the said D. B. and I. his wife, and to the heires of the same D. for euer: Which fine so to be leuied, as is aforesaid, and all and euerie other fine so to bee leuied by the said Sect. 94.

G.T. vnto the said G.T. and his heires of the same lands in F. by the name or names aforesaid, or by any other name or names, with owter or without owter, or otherwise, before the end of the said next terme, &c. next ensuing the date hereof, shall be to the only vse and behoofe hereafter expressed, and to none other vse and behoofe: that is to say, to the vse of the said G.T. and A. his wife, for and during the said terme of one moneth next insuing the leuying and ingrossing of the said fine. And after the end and termes of the said moneth, then to the vse of the said W.B. and I. his wife, and the heires of the said W.B. for euer. In witnesse whereof &c.

Couenants to leuie a fine.

Sect. 95.

THis Indenture tripartite made &c. betweene G.S. and G. his wife on the first partie, and A.F. on the second party, and I.P. and T.P. on the third party, Witnesseth, that the said parties are condiscended, concluded, and agreed in manner and forme following. And the said G.S. and G. for them and their heires doe couenant &c. that the said G.S. and G. his wife, shall before the feast of &c. at the equall costs and charges in the law of the said G.S. and G.F. their heires and assignes, leute a fine before the Queenes Maiesties Iustices of her common place at Westminster, of the Mannour of C. and of &c. And that the fine so to be leuied, shall be to the onely vse and behoofe of the said I. and T. their heires and assignes for euer. And the said I. and T. and eurie of them, for them, their heirs, and executors, do couenant and grant, to and with the said A. his heires, executors, and assignes, and to and with the said G. his heires, executors, and assignes, that they the sayde I. and T. shall before the first day of February next ensuing the date of these presents, demise, graunt, and to farme let by their sufficient deed indented, in due forme of Law to be made to the said A. the sayd mannour with the appurtenances, except certaine parcels of the same, and certain profits and other things thereunto belonging, in such manner and forme, as is after in these present Indentures expressed and contained in these words following: that is to say. This Indenture made the tenth day of &c. betweene I. and T. of the one party, and A.F. on the other party, Witnesseth, that the said I. and T. as well in performance of the faithfull and speciall trust in them in that behalfe put by the said G.S. and G. his wife, as in fulfilling part of the couenants and grants and agreements, and of the intent in certaine Indentures tripartite, specified, had and made betweene the said G.S. and G. his wife on the first party, and the said A.F. of the second party, And the said

I.P.

I. of the one partie, and T. H. on the third partie, whose dates are the first day of December, in the first yeare of the raigne &c. Haue demised, graunted, and to farme letten, and by these presents do demise, grant, and to farme let vnto the said A. his executors and assignes, the manno⁊ of C. with the appurtenances in the countie of B. with all those our lands, &c. Except, so⁊apprised, and reserued vnto the said I. T. and the heires and assignes of the said I. all those the Mills &c. To haue and to hold the said manno⁊ and other the premisses (except before excepted) vnto the said A. his executors and assignes, from the feast &c. yeelding and paying &c. And if it shall happen &c. And the said I. and T. fo⁊ them &c. couenant &c. That the said I. and T. o⁊ the surui⁊no⁊ of them, shall before the tenth day of the said moneth of December &c. by their deed sufficient in the law o⁊ otherwise, as well indosse and assure the rest, of the said manno⁊ and other the premisses, as also shall grant o⁊ otherwise assure all such o⁊ so much of the premisses, as also shall be so demised o⁊ letten vnto the said A. F. as is afo⁊esaid, with the rent reserued vpon the said lease to the said E. and E. to haue and to hold the said reuersion, commodities, and rents, and all the rest of the premisses with the appurtenances vnto the said E. and E. and to the heires of their two bodies lawfully begotten. And fo⁊ default of such issue to the right heirs of the said E. fo⁊ euer. In witnesse whereof &c.

Couenants to leuie a fine to vses.

THis Indenture made &c. betweene M. F. of the one partie, and H. W. W. G. and R. F. of the other partie, witnesseth, that where the said M. as well fo⁊ the aduancement of A. now his wife, as of diuers of the younger sonnes and daughters by him begotten of the body of the said A. hath alreadie assigned, and appointed to his said wife and children, certaine po⁊tions of his mesuage, lands and tenements, parcell of his inheritance fo⁊ such estate and interest, and in like maner and fo⁊me, as hereafter in these p⁊esent Indentures shall bee particularly mentioned and exp⁊essed, the same to bee assured and conueyed to euerie of them, after due o⁊der and fo⁊me of Law, so that they may haue and inioy the same quietly, according to his mind and pleasure, without let o⁊ disturbance of him, o⁊ of his heires o⁊ assignes in time to come, which said assurance is thought by counsell learned expedient to bee made by fine to bee of the said lands leuied: Therefo⁊e the said M. F. fo⁊ the sure making of the conueyance afo⁊esaid, couenanteth and grannteth, fo⁊ him, his heires and executo⁊s,

to and with the said H. W. G. and R. F. their executors and assignes by these presents, that he the said N. or his heires, on this side, and before the feast of Pentecost next ensuing after the date herof, shal knowledge and levie to the said H. W. W. G. and R. F. and to the heires of the said H. one fine &c. And the said H. W. W. G. and R. F. for them, their heires and executors, couenant &c. that they the said H. W. W. G. and R. F. and their heires immediately from and after the levying and ingrossing of the said fine, to be levied of the premisses in forme aforesaid, shall stand and be seised of, and in the said messuages in B. &c. except one close in A. called &c. to the vse of the said N. and J. now his wife, for the terme of their lives, and of the longer liver of them and after their decease to the vse of J. F. sonne of the said N. and of the heires males of his body lawfully begotten. And for default of such issue, to the vse of R. F. one other of the sonnes of the said N. and of the heires males of his body lawfully begotten. And for default of such issue, to the vse of W. F. one other of the sonnes of the said N. and of the &c. And for default of such issue, to the right heires of the said N. for ever. And also that the said H. W. W. G. and R. F. and their heires shall in likemanner stand and be seised of all those messuages, lands, tenements, &c. in A. aforesaid &c. to the vse of the said J. F. one of the sonnes of the said N. and of the heires males of the body of the said J. F. lawfully begotten, and for default of such &c. And that the said H. W. W. G. and R. F. and their heires, shall in maner immediately after the levying and ingrossing of the same fine, stand and be seised of, and in all the residue of the said messuage, &c. to the vse of the said R. F. &c. and for default &c. And it is fully condiscended and agreed betweene the said parties, that after the ingrossing of the same fine, the said N. F. and the said J. his wife, J. R, and W. sonnes of the said N. & C. and B. his daughters and euery of them, shall from and after the ingrossing of the said fine, peaceably haue hold, occupie and inioy the said messuages, lands, and tenements, to them and euery of them severally assigned without any let, interruption, or impediment of the said H. W. and R. F. or any of them, or of any person or persons claiming by them, in their right, or by their procurement, according to the true intent, purpose, and declaration of the severall vses afore mentioned. In witnesse &c.

Couenants to leuie a Fine to vſes, and that the Cogniſee ſhall graunt the lands in Taile &c.

THis Indenture made &c. Betweene W. M. of the firſt party, and H. M. of the ſecond party and C. M. and L. B. of the third party, Witneſſeth, that it is condiſcended, concluded, and agreed betweene the parties aforeſaid, in maner and forme following, that is to ſay: Firſt the ſaid W. M. and H. M. for themſelues &c. do couenant &c. that they the ſaid W. and H. before the feaſt &c. by fine to be leuied before our Soueraigne Ladie the Quenes Maieſties Juſtices of the Common pleas at Weſtminſter, ſhall knowledge the capitall or manſion houſe &c. by the name of &c. in B. and C. to be the right of the ſaid C. M. &c. (expreſſing the Concord.) Which fine ſo knowledged and ingrolled of the premiſſes, ſhall be to the vſe of the ſaid C. M. and L. B. and of their heires onely, and to, or for none other vſe, intent, or purpoſe. And the ſaid C. and L. for them &c. that they the ſaid C. and L. and their heires and the heires of the ſuruiuor of them, within one Moneth following, after the knowleging and ingrolling of the ſaid fine, as is aforeſaid, by their deed indented, ſufficient in the Law, in due forme to be made, ſhall and will giue and graunt the ſaid meſſuage, and all and ſingular the premiſſes by the ſaid fine to them to be aſſigned, as is aforeſaid, to the ſaid W. M. and to the heires males of his bodie lawfully begotten. To haue and to hold the ſaid capitall meſſuage, and all other the premiſſes with their appurtenances to the ſaid W. M. and to the heires males of his body lawfully begotten. Yeelding and paying therefore yerely to the ſaid C. and L. or to the ſuruiuor of them, their heires or aſſignes, twentie ſhillings of &c. at the feaſtes of &c. by euen portions to be payed: (with a ſufficient clauſe of diſtreſſe to bee contained within the ſaid deed for the payment thereof, at the daies and times aforeſaid, with a prouiſion therein to be contained,) That if it ſhall happen the ſaid W. M. or the heires males of his body lawfully begotten, to ſuffer any Recouerie againſt him or them of the ſaid capitall meſſuage, or other the premiſſes, or any part or parcell thereof, or by any other ways or meanes, ſhall make any alienation or diſcontinuance of the ſame premiſſes, or any part or parcell thereof, and afterward ſhall happen to die without iſſue male of his body lawfully begotten: That then, that is to ſay, immediatly after the deceaſe of the ſaid W. M. and of the heires male of his bodie lawfully begotten, and after the ſaid eſtate tayle made as is aforeſaid by the ſaid deed indented, ſpent, executed, and determined, and not before, that it ſhall be lawfull, to, and for the ſaid C. M. and L. M. to reenter into the ſaid capitall &c. And alſo

the said E.P. and T.R. for them &c. that then the said E. and T. their heires and assignes, within foure dayes next after the making of the said deed indented, and of the execution of the said estate of the sayd capitall messuages, and all other the premisses, to the sayd W. and to the heires males, as is aforesayd: And by one other deed sufficient in the Law, reciting the graunt by them made to the sayd W.P. and the heires males of his body lawfully begotten, as is aforesaid, shall giue and graunt the reuersion of the same capitall messuage, and all other the premisses with the yearely rent aforesaid, to the said H.P. To haue and to hold the said reuersion of the sayd capitall messuages, and all other the premisses, to the sayd H.P. his heires and assignes for euer. And the said W.P. couenanteth &c. that hee the sayd W. in good order of Law, shall attourne tenant vnto the said H.P. of the premisses, and shall pay vnto him, his heires and assignes, the said yearely rent to bee reserued by the said deed indented, and to be graunted vnto the said H.P. his heires and assignes, as is aforesaid. And also shall permit and suffer the sayd H.P. his heires and assignes, Lords of the residue of P. and M. aforesaydes, yearely at two seuerall times in the yeare: that is to say, &c. vpon reasonable warning to them giuen for the said day to keepe his Court of the said Manor vpon any part of the premisses, without let or &c. of the said W.P. &c. or of the heires males of his bodie lawfully begotten, or of any other person or persons by his assent &c. And further, the said E.P. and T.B. for them &c. that the said capitall messuages, and other the premisses, at the time of the making of the said estate thereof to the said W.P. and to the heires males of his bodie lawfully begotten aforesaid, shall bee clearely exonerated &c. For which gift and graunt of the capitall messuages, and other the premisses, to bee made and conueyed to the sayd W.P. and the heires males of his bodie lawfully begotten, in forme aforesayd, the sayd W. hath truely contented and payed to him the sayd H. at the insealing hereof twentie pounds of good &c. of which twentie pounds the said H.P. knowledgeth himselfe &c. In witnesse whereof &c.

A Conueiance to vses of an estate Taile not to be discontinued.

THis Indenture made &c. Betweene I.D. of the one party, and W. E. W. W. F. and T.R. of the other party, witnesseth, that it is couenanted

ranted, condiscended and agréed by and betweéne the said parties in maner and forme following, that is to say, whereas the said I.D. the day of the date hereof hath but one only child P.D. his sonne and heire apparant, and is fully resolued and determined how and in what manner his Lordships, Manors, Lands, Tenements, and Hereditaments, shall by the grace of God, continue, remaine, and be aswell in the life time of the said I. and the said P. his sonne, as after their deaths, and being withall greatly desirous to continue and stay all and singular his said Lordships, Manors, Lands, and Hereditaments in his firmame, and to restraine as farre forth as he lawfully may, the graunting, selling or giuing away of the said landes and inheritance, both as well for the consideration aforesaid, as also for the naturall and brotherly loue which the sayd I. beareth to G.D. his brother, and for the heartie affection that he hath toward P.D. his kinsman, and other hereafter named in this Indenture, couenaunt and graunt for him and his heires to, and with the said S.W. T.W. W.F. and T.K. their heires and assignes, that hee the said I.D. and his heires, and all and euery other person and persons, and their heires that now stand or be seised of, or in all and singular these his Lordships and Manors, &c. Or that hereafter shall be seised of the said Lordships, Manors, and Premisses or of any part thereof, shall stand and be seised thereof, and of euery part thereof to such vses, intents and purposes, and vpon such conditions and limitations of vse as in these presents shall be expressed and declared, and to none other vse, intent and purpose, And that all estates hereafter to be made or suffered of the said Lordships, Manors, and Premisses, or any part thereof betweene the said parties, or to other persons at the nomination or by the consent of any of the said parties, shall bee deemed, adiudged, and taken to be and inure, to the vses, intents, and vpon such conditions as hereafter in these presents are expressed. That is to say, to the only vse of the sayde I.D. for and during the terme of his naturall life, without impeachment of waste, and after his death, then to the vse of the said P.D. for and during the term of his naturall life, And after his death, then to the vse of the first begotten sonne of the bodie of the said P.D. lawfully to be begotten, and of the heires males of the body of the said first begotten sonne lawfully issuing. And for default of such issue male then to the vse of the second sonne &c. and to the vse of other sonnes &c. And for default of such issue male, then to the vse of the next heires males of the bodie of the said I.D. hereafter lawfully to bee begotten. And for default of such issue male, then to the vse of the said G.D. and of the heires

males of his bodie lawfully begotten. And for default of such issue males, then to the vse of the said W.D. and of the heires males of his bodie lawfully begotten. And for default of such issue male, then to the vse of &c. naming as many in like manner as shall bee agreed. Prouided alwaies, and neuertheless it is couenanted, condiscended, and agreed by and betweene the sayde parties to these present Indentures, that if the said W.D. or any issue male of the said W. or the issues males of any of their bodies lawfully begotten, or any other person or persons which hereafter shall haue any estate, interest, or title, in or to the said premisses, or in or to any part thereof by reason or vertue of these present Indentures, or of any thing therein contained, other than the said W. doe hereafter alien, bargaine or sell the premisses, or any part thereof, or doe make or procure to bee made any feoffement, leuie any fine, suffer any recouerie or put in vre, or goe about by any ouert waies or meanes to put in vre or practise any other act or acts, assurance or assurances, for the destruction, determination, discontinuance, or alteration of the said estates or intailes, vse or vses aforesaid, or to barre the said intailes or any of them, or to alter or change any of the said estates, or any vse or vses aforesaid, whereby the said premisses or any part thereof, or the vse, or vses, or estates made or to be made of the same as is aforesaid, shall be alienned, discontinued, altered, chaunged, or transferred from the said persons before named, to whom the premisses are limited to bee assured by these presents, in any other manner or sort, than they are limited and appointed by these presents, contrarie to the true intent and meaning of the same, vnlesse it be for leases for one and twentie yeres, reseruing the accustomed rents, or more for the same, or for the ioynture of any of their wife or wiues for terme of life onely of such wife or wiues, not amounting aboue the yearely value of one hundred Markes, with like remaynder and limitation of vses after the death of such wife or wiues, as is aforesaid: That then and from thencefoorth the vse, interest, estate, and tayle limited in these presents to him or them, that so shall die without issue, or shall make any alienation, discontinuance, bargaine, or sale, or doe or put in vre any act or acts, deuise or deuises, or practise any matter or matters for the destruction or alteration of the vses or estates limited, intended or implied, as is aforesaid, or doe any act or acts, thing or things, as is aforesaid, contrarie to the true meaning of these presents, shall cease and bee determined. And that then the vse, interest and possession of all and singular the premisses with the appurtenances so

altered, altered, changed, or attempted to be altered, altered, or changed, as is aforesaid, shall immediately discend, remaine, reuert, and come to such persons to whom the same should then next discend or remaine, according to the vse of the remainder and estate limitted, intended, or implyed by these presents with remainders ouer, as is aforesayd. Prouided alwayes, and neuertheless it is concluded and agreed, by and betweene the said parties to these Indentures, that it shall and may bee lawfull, for, and to the said I. D. at any time during his life, by his writing or writings vnder his hand and seale, to demise and graunt the sayd Lordships, manors, and premisses, or any part or parcell thereof, for terme of one and twentie yeeres, to bee accompted from the making thereof at the most, whereupon the olde, auncient and accustomed yearely rent or more shall bee reserued, or by his last will and testament in writing, to giue and bequeath annuities to his seruants for terme of life or liues of any such seruant or seruants, issuing and going out of the sayd premisses, or any part thereof. And also that it shall and may be lawfull, for and to the said I. D. to grant and assure the said Lordships and premisses, or any part thereof, not amounting aboue halfe of the sayd Lordships and premisses to any such woman or women, wife or wiues, as the sayd I. D. shall hereafter fortune to marrie, for terme of life or liues, onely of such wife or wiues, for and in consideration of her dower and ioynture. Prouided alwayes, and it is fully concluded, meant, and agreed, by and betweene the said parties to these Indentures, and their heires, that if the sayd I. D. at any time hereafter during his life, shall bee minded vpon whatsoeuer cause or occasion seeming meet or conuenient to him to annull, make voyd, alter, or change the vse, estate, vses or estates, or any of them, limitted, raised, intended, implyed, or made by these presents, touching the whole Lordships, manors, lands, tenements, and hereditaments, and other the premisses contained in these presents, or else touching some part, or any part thereof onely, and thereupon by his writing vnder his seale, and in any of the Courts of Record of our Soueraigne Lady the Queenes Maiestie, her heires or successors to bee inrolled, doe signifie or declare that his will and pleasure is, that the vses, intents, and estates, or any of them limitted in these presents, shall bee voyd and of none effect touching the said whole premisses, or touching some, or any part thereof: That then and from thencefoorth all the vses, behoofes, intents, and estates, made, limitted and appointed, in, or by these presents, shall be

vtterly void and of none effect touching the said whole premisses, or such part thereof, in which the said I. D. shall so signifie and declare that his will and pleasure is, that the vses, behoues, or estate aforesaid, or any of them, shall bee void and of none effect, and that then all and euery other person or persons, that now stand or be seised, or that hereafter shall stand or be seised, of, and in the said Lordships, manors, and premisses, or in any part, or parcell thereof, shall from thenceforth stand and be seised of all and singular the said Lordships, manors, lands, tenements, and hereditaments, and of all other the premisses, in which the said D. shall so signifie and declare, that his will and pleasure is, that the vses, behoues, or estates aforesaid, or any of them, shall be void and of none effect: Or of such part thereof in which the said I. D. shall so signifie and declare, that the vses, behoues, or estates aforesaid, or of any of them, shall be void and of none effect, to the vse of the said I. D. and of his heires and assignes for euer: any thing herein aforesaid to the contrary hereof in any wise notwithstanding. In witnes whereof &c.

¶ *Couenants limiting the vses of Fines and Recoueries leuied, with a Couenant to restraine the libertie thereof.*

Sect. 98. THis Indenture made &c. Betweene I. I. &c. and S. G. and E. D. &c. Witnesseth, that whereas the said I. I. is seised &c. And where also the said S. G. and E. D. haue pursued out of the Queenes Maiesties Court of Chauncerie, against the said I. I. one writ of Entre sur disseisin en le Post, bearing date or teste the tenth day of &c. directed to the Sherife of the Countie of S. demanding thereby the said manors, lands, tenements, &c. by the name of the manor of G. &c. the same writ being returnable before the Queenes Maiesties Iustices of the Common Bench at Westminster in the vtas of Saint Michaell tharchangell next comming, to the intent that the said S. G. and E. D. shall recouer the said lands, and the premisses with the appurtenances, against the said I. I. after the course of the common recoueries, vsed in such cases with voucher ouer to warrantie of one H. S. the common vouchee. And where also the said S. G. and E. D. haue pursued out of the said court of Chauncerie, one writ of Couenant against the said I. I. bearing date or teste the &c. directed &c. demanding thereby that hee the said I. I. should hold couenant with the said I. S. and E. of the said two chambers &c. which the said I. mother of the said I. I. now holdeth in dower for terme of her life, by the name of one mesuage &c. (naming the lands certainly) with thappur-

thappurtenances &c. the same writ being likewise returnable before the said Quenes &c. in the vtas of S. Michael next comming after the &c. to the intent that he the said I. I. shall leuie one fine with procla-mation, according to the common course of fines vsed in such cases of the said messuage and premisses with the appurtenances, vnto the said S. G. and E. D. and to the heires of the said S. with warrantie of the said I. I. and his heires against all men: It is now couenanted, grant-ted, condiscended, and agreed by these presents betweene the said par-ties to these Indentures, that the said recouerie so to be had, recouered, and executed by the said S. G. and E. D. against the said I. I. of the said manors, messuages, lands, tenements, and the premisses mention-ned in the said writ of Entre of dessesin en le Post, and the execution of the same shall be to the proper vse and behoofe of the said I. I. his heires and assignes for euer, and that the same fine so to bee levied by the said I. I. of the said lands, tenements, and premisses contained in the said writ of couenant vnto the said S. G. and E. D. and to the heires of the said S. shall be levied, knowledged, recorded, had, and executed, to the proper and only vse and behoofe of the said I. I. and his heires for euer. And also it is fully agreed by all the said parties to these present Indentures, that the said S. G. and E. D. and their heires, after the execution of the said recouerie, and the leuying of the said fine, shall stand and bee seised of the said manors, messuages, and of all other the premisses, to the only vse and behoofe of the said I. I. his heires and as-signes for euer, and to none other vse or intents. Prouided alwayes, and it is further couenanted, granted, and agreed, by and betwixt the said parties to these presents, that neither the said fine so to bee levied, nor the said recouery to be suffered, in manner and forme aforesaid, shall not in any wise be adiudged, construed or taken, to benefit, transferre, give, or assure from the said I. I. or his heires, any other lands, tene-ments, or hereditaments, then in the said recited deed indented of bar-gaine and sale bee contained, bargained, and sold, and expressed, and that the residue and ouerplus of the said lands and tenements, contai-ned or specified in the said fine and recouerie so to bee levied, and not in this deed indented mentioned, meant to bee conueyed to the said I. I. and to the heires of the said I. shall bee to the only and proper vse or vses of the said I. I. and of his heires for euer, and not to any other vse or vses, intent or purpose. In witnesse &c.

¶ Couenants

¶ *Couenants limiting Vses in haile not to be discontinued.*

Sect. 99. THis Indenture tripartite made &c. Betweene H. H. on the first partie, And Sir I. S. on the second partie, And I. C. on the third partie, Witnesseth, that whereas the said H. H. is lawfully seised of an estate of inheritance, of, and in diuers lands, tenements, and hereditaments with their appurtenances in H. H. and F. in the said Countie of L. and he so being thereof seised, and hauing no issue presently of his bodie lawfully begotten, calling to remembrance the uncertaintie of this present life, hath thought it expedient by the aduise of his deere friends, to set the same in such good order and stay, that after his death there shall arise no controuersie or suit for the premisses amongst his kinsfolks or friends. It is therefore betweene him the same H. H. and the other parties aboue remembred, by these presents fully couenanted &c. that is to say, The said H. H. couenanteth &c. that hee the said H. H. before the feast of &c. shall permit and suffer the said I. S. to pursue out of the M. Maiesties Chancerie, within her highnesse Countie Palantine of L. one writ of Entre sur disseisin en le Post, returnable at a certaine day before the M. Maiesties Iustices there. And by the same writ shall demand against the said H. H. foure messuages &c. with thappurtenances in H. H. and F. in the countie of L. To which writ the said H. H. shall appeare in proper person, or by his Attorney sufficiently authorized for the same, and shall vouch to warrantie immediately vpon his appearance the common vouchee, as in such cases is vsed by the common voucher. And that the same vouchee shall appeare in proper person vpon the same voucher, and shall thereupon imparle, and after make default, to the intent a perfect iudgement may be had for the demandants in the same, and so ouer against the said common vouchee, according to the course of common recoueries in such cases prouided. Vpon which said Recouerie so to be had and suffered, as is aforesaid, It is seuerally couenanted &c. that the said I. C. and his heires, by force of the said recouerie, and of the said iudgement and execution of the same, shall immediately stand and be seised, of, and in the said messuage &c. to the vses and intents hereafter expressed and declared in these presents, and to none other vse, intent, or purpose: that is to say, to the vse of the said H. H. &c. Prouided alwaies &c. that if the said C. or any of the sons or daughters, to whom the said messuage &c. be by these presents limitted and intailed, in maner and forme aforesaid, do at any time hereafter die without issue of their bodies lawfully begotten, or they, or any the issue of any of their bodies lawfully begotten, inheritable

ritable by force of the limitation aforesaid, and of these presents, effectually attempt, practise, purpose, and go about to alien, bargaine, or sell the premisses, or any part or parcell thereof, or doe or make any graunt, writing, or leuie any fine, or suffer any recouerie against them of the said Lands, Tenements, and Hereditaments, or of any parcell thereof, or by any fraud or couin, act or acte, thing or things whatsoeuer, for the destruction, barre, or determination of any of the intailes of the premisses aboue mentioned, or any other to whome any remainder or vse is limited or appointed by these presents: That then and from thencefoorth the vse, interest, or title limited by these presents to him or them that shall so die without issue, or shall bargaine, alien, or sell, or otherwise incumber the premisses, or any part thereof as is aforesaid, contrary to the true meaning of these presents, shall determine, cease, and bee clerely frustrated, in like maner and forme, as if he or she had died without issue of his or their bodies. And that then the vse, interest and possession, of and in the premisses with the appurtenances, shalbe immediately from thencefoorth in him next in remainder, according to the same vse, remainder, interest, and estate, to him or her limited by these presents: any thing herein contained to the contrarie hereof in any wise notwithstanding &c.

Billes obligatory, and Obligations.

¶ *What Billes and Obligations be, and what is specially to be considered therein.*

A Bill or Obligation (which be all one, sauing that when it is in English, it is commonly called a Bill, and when it is in Latin an Obligation) is in a deed, whereby the obligor doth knowledge himselfe to owe vnto the obligee a certaine summe of money or other thing. In which besides the parties names are to be considered, the summe or thing due, and the time, place, and maner of paiment, or deliuery thereof. Obligations be either by matter in deed or of Record. An Obligation by matter in deed is euery Obligation which is not knowledged and made in some court of Record, as in the examples next hereafter ensuing. Sect. 100.

¶ *A Bill obligatorie by one to one.*

THis Bill witnesseth, that I A. B. of D. in the county of D. Esq. doe owe vnto W. S. of B. in the said county Gent. x. li. of lawfull English money, for the paiment whereof, I bind me and mine heires. Sect. 101.

In

In witnesse whereof, I haue hereunto put my hand and seale the first day of Januarij in the 32. yeare of the raigne of our soueraigne Lady El. by the grace of God, of England, Fraunce, and Ireland Qu. defendor of the faith &c.

¶ *Or shortly thus.*

I. B. owe vnto M. W. xl. of lawfull English money for the payment whereof I bind me and my heires. In witnesse &c. I haue hereunto put my hand and seale the xx. day of &c.

¶ *Or thus indented, containing daies and place of payment with a penaltie.*

This Bill indented made the xviij. day of M. in the xxij. yeare of the raigne of our soueraigne Lady Eliz. by the grace of God of England, Fraunce, and Ireland Queene, defendor of the faith &c. Betweene W. W. of R. in the countie of Yorke gent. on the one partie, and T. T. of R. aforesaid yeoman on the other party witnesseth: that the said W. W. doth owe vnto the said T. T. xl. of lawfull English money, to be paid to the said T. T. his executors or administrators, in the South porch of the parish Church of R. aforesaid, in manner and forme following: That is to say, vpon the first day of March next ensuing the day of the date hereof x. li. thereof, and vpon the second day of Aug. then next following other x. li. thereof residue: For the which paiments well and truely to be made, in manner and forme aforesaid, he the said W. W. doth by these presents bind himselfe, his heires, executors, and administrators, and euery of them firmely by these presents in xl. li. of like lawfull English money to be forfeited and paied to the said T. T. his executors or administrators. In witnesse whereof the said parties haue hereunto interchangeably put their hands and seales the day and yeare first aboue written.

¶ *Or thus without a penaltie.*

Be it knowne vnto all men by these presents that I T. K. of D. in the county of D. yeoman, do owe vnto I. S. of the said towne and county gentleman, 100. li. of good and lawfull &c. to be paid to the said I. S. his heires, executors, or administrators, vpon the feast of Easter day next comming after the date hereof: For which paiment wel and truly to be made, I bind me and mine heires firmely by these presents. In witnesse whereof I haue hereunto put my hand and seale. Dated the first day of Januarie, in the two and thirtieth yeare of our &c.

¶ *Or*

Ouerthwartly inscribed.

BE it knowen &c. That we A. B. and C. D. are bounden to S. I. and C. K. gentleman, in tenne pounds of lawfull English money, to be payed to them, or either of them, or their Attorney, executors, or administrators, the first day of May next insuing after the date hereof, in the South porch of the parish Church of N. in the County of Norke. For the which payment well and truely to be made, we bind vs, and either of vs, our heires, executors, and administrators, and euerie of vs iointly and seuerally for the whole, and in the whole by these presents. In witnesse whereof &c.

Ouerthwartly three to three.

BE it knowen &c. That we A. B. C. D. and E. doe owe and are indebted vnto T. S. I. B. and L. P. in x. li. of lawfull &c. to be paid to the said T. S. I. B. and L. P. or any of them, or to their Attornyes, executors, or &c. or any of them, vpon the &c. For the true payment whereof, wee bind vs, and euery of vs iointly and seuerally by these presents. In witnesse whereof &c.

A Bill for Money lent.

BE it knowen vnto all men by these presents, that A. B. &c. at and before the making hereof hath receiued and had by way of free loane of C. D. &c. one hundred pounds of lawfull English money, which hundred pounds the said A. B. by these presents knowledgeth himselfe to owe vnto the said C. D. to bee paid to him, or his certaine Attorney, his Executors, or Administrators, vpon the x. day of May next insuing the date of these presents. And for the true paiment thereof, doth by these presents, firmely bind him, his heires, executors, and Administrators, and euery of them. In witnesse whereof &c.

A Bill for things lent.

BE it knowen &c. That A. B. &c. the day of the making hereof hath receiued and had by way of frank and friendly loane of C. D. one Bible, containing the old and new Testament in the Greeke tongue, bound in paste and in blacke leather, to be vsed by him till &c. during which time the said A. B. doeth by these presents for him, his Executors, and Administrators, and euery of them, couenant, promise, and agree, to and with the said C. D. his &c. well and safely to keepe the said Booke, and it to restore and redeliuer to the said C. D. or his certaine Attorney, his Executors, or Administrators, in as good plight, as the same now is. Or then to pay to the said C. D. for the same Booke xl. s. &c. For the performing of which couenant and agreement, the said A. B. doth by these presents bind himselfe, his executors, and administrators,

nistrators, and euery of them in xl. poll liuefull English money, to be paid to the said W. his executors or administrators. In witnes whereof &c.

Or thus by one to one.

Sect. 102.

NOuerint vniuersi p̄ presentes me W. G. de R. in comitatu S. gen. teneri & firmiter obligari W. B. in decem lib̄ bone & legalis monete Anglie soluend̄ eidem W. B. aut suo certo Attornat̄, vel executor̄ suis in festo S. Mich. Archang. proxim̄ futuro post datum presentium. Ad quam quidem solutionem bene & fideliter faciend̄, obligo me, hered̄, executor̄ & administrat̄ meos firmiter per presentes. Sigillo meo sigillat̄. Dat̄ &c. die Ian. anno regni domine n̄re Eliz. Dei gracia Ang. Franc. & Hibern. reg. fidei defensoris &c. 36.

Or thus to a Sheriffe.

NOuerint vniuersi p̄ presentes me I. L. de C. in Comit̄ E. husbandman, teneri & firmiter oblig. T. C. Militi. Vicecom' Com' E. in xx lib̄, bonæ &c. Soluend' eidem Vicecom', aut suo certo Attornat̄, vel executoribus suis. Ad quam quidem solutionem bene & fideliter faciend̄, obligo me, hæredes, executores, & administratores meos firmiter p̄ præsentes. Sigillo meo sigillat̄, Dat̄ &c.

Or thus: of person and goods renouncing Sanctuary and protection.

NOuerint vniuersi per præsentes, quod ego A. B. non coactus, nec compulsus, nec aliqua alia mala imaginatione ad hoc inductus, sed mera, propria, & spontanea voluntate, & certa scientia cognosco, at̄ palā & publicē confiteor me teneri, & p̄ presentes firmiter obligari D. E. in quingint̄ lib̄ legalis monetæ Angliæ: Soluend̄ & restituend̄ eidem D. E. aut suo certo Attornat̄, procurat̄, nuncio, hæred̄, vel execut̄ suis, aut latori presentiū in festo P. proxim' futur̄, sine dilatione vlteriori. Ad quam quidē solutionē bene & fideliter faciend̄ & perimplend̄ in forma predict̄, obligo me, hered̄, & executores meos, ac omnia bona mobilia mea presentia & futur̄, tā vltra Mare, quā citra, in quocunq; loco vel iurisdictione inuenta fuerint capienda & distringēda. Et si (*quod absit*) defect̄ fiat in solutione pred' vltra festū siue terminū supi' limitatū tunc quecūq; damnū, sumpt', & interesse dict' D. E. patietur, aut pati poterit vel debet, p̄ tenore defect', illa omnia & singula ego dict' A. B. tenetur & firmit̄ obligor p̄ presentes soluere & fideliter facere de debit̄ princi-

But to bind the goods, it seemeth better to make conditionall sale therof.

principali. Statut, priuilegijs, ac consuetud quibuscunq; Ciuitat. London' seu cuiuscunq; alter Ciuitatis, villæ, patriæ, vel loci ad hoc contrar non obstantib'. Reuoco etiam & renuntio omnes ꝓtectiones defensiones, sanctuaria francheſias, libertates, ſubuẽtiones, et priuilegia quecũq ꝓ quæ ego possim in hac parte tueri, aut cautelas seu dolũ maluni facere in damnũ & preiudic' Creditor' mei de premissis. In cuius rei testimon. &c.

Or thus, by two to two.

NOuerint vniuersi ꝓ presentes nos W.M. de C. in comit' L. yeoman & T.R. de R. in comitatu præd' Taylor, teneri & firmiter obligati S.I. & C.R. generos. in xl.li. bonæ & legalis monetæ Angliæ. Soluend eisd' S.I. & C.R. seu eorum alteri, vel eorũ certis Attornat', execut', vel administrat' suis. Ad quam quidem solution' bene & fidelit' faciend' obligam' nos, & vtrumque nrm ꝓ se, ꝓ toto & in solido, hæredes, execut', & administrat' nros ꝓ presentes, sigill' nris sigillatas &c. Dat' &c.

An Obligation, where two owners of a ſhip are bound to two Merchants.

NOuerint vniuer ꝓ presentes nos I.B. & R.T. de villa Hull' marinarios ac possessores siue ꝓprietar cuiusd nauis vocat' **Primrose of Hull**, &c. teneri & firmit' obligari W.C. & I.C. Mercatoribus villæ C. in xl. li. legalis monetæ Angliæ, Soluend eisd' W.C. & I.C. seu eorũ alteri vel eorum cert' Attorn', hæred' seu executor' suis in festo Paschę proxim' futur' post datum presentium. Ad quam quidem solution' bene & fidelit' faciend', obligamus nos, & vtrumque nostrum ꝓ se, ꝓ toto & in solido, ac nauem præd' cum toto ap̃patu eiusdẽ, hæred', executor', & administrator' nostros; ac omnia bona nostra, tã vltra mare quam citra, vbicunque fuerint inuenta per presentes. In cuius rei &c.

But a conditionall ſale ſemeth more ſure then this

Or thus, where three are bound to the Queene, and others.

NOuerint vniuersi &c. nos A.B. C. Mercator de Venet, teneri & firmiter obligari excellentissimæ Principi Elizæ Dei gratia Angliæ, Franciæ & Hiberniæ Reginæ fidei defensori &c. ac T.B. & H.C. Collectoribus & Customarijs Subsid' eiusdem Dominæ Reginæ in portu Colcestriæ in viginti libr sterlingorũ, Soluend eiusdem Dominæ Reginæ & customarijs, aut eorũ vni, vel eorum certis attornatis. Ad quam quidem solutionem bene & fideliter faciendum, obligamus nos & quemlibet nostrum per se, pro toto & in solido, hæredes, executores,

&

& administratores nostros per præsentes. In cuius rei testimoniū &c.

Or thus, by three to three.

NOuerint &c. nos &c. A.B. C.D. & E.F. Milites, teneri &c. G.H I.K. et L.M. generos. in xl.li. sterling'. Soluend eisdem G.I. & L seu alicui eorum, aut suo certo Attorn', vel executor suis, in festo omniū sanctor', pximo futuro post dat' presentium. Ad quam quidem solutionē bene & fidelit' faciend', obligamus nos, & quemlibet nostrum per se, ꝑ toto & in solido, hæred', execut' et administrat' nros ꝑ presentes. In cuius rei testim' huic præsenti script' nro sigilla nra apposuim', Dat' &c.

Or thus, with dayes of payment and a penaltie.

NOuerint vniuersi per presentes nos A.B.C.D. et E.F. &c. teneri & firmiter &c. G.H. I.K. & L.M. in C. li. legalis monetæ Angliæ. Soluend' eisdem G.I. & L. in forma subscripta, viz. in festo Annunc' beatæ Marię Virginis nunc proxim' sequen', quinq; libras: In festo Paschæ tunc proxim' sequen', quinque libras, in festo natiuitatis S.I Baptist' tunc proxim' futur' quinque libras, et sic de festo in festū: viz. in quolibet festo festor' illor' quinq; libras, quousq; dict' C. li. plen' vt sic persoluantur: ad quas quidem solutiones, et quamlibet earum (vt premittitur) bene et fideliter faciend', obligamus nos et quemlibet nostrū &c. Et si contingat nos præf. A.B.C.D. & E.F. deficere in aliqua solutione solution' præd' in parte vel in toto, contra formam pręd', tunc volumus & concedimus, nos teneri et quemlibet nostrum ꝑ se, ꝑ toto & in solido ꝑ præsentes firmiter obligari præf. G.I. & L. in pręd' C. li. Soluend' eidem G. aut' suo cert' Attorn' executor aut assignat' suis, In cuius rei testimonium &c.

Or thus, to a Bishop, or others.

NOuerint vniuersi ꝑ presentes nos Ric' I. de S. in comit' Eborum Taylor, R.I. de R. eodem in comitatu Taylor, R.S. de S. prædict' Husbandman, & R.H. de L. in comitatu prædicto, teneri &c. reuerendissimo in Christo patri et domino, dom' T. permissione diuina Eborū Archiepis. Angl' primati & Metropolitano, et Magistr' W.I. in legibus Baccalaureo Scaccar' dict' i Reuerēd' patris apud Ebor' cōmissar' et recept' gener', & W. & I. liber' N.I. de R. in 300. libris & legalis monet' Angl'. Soluend' eisd' reuerēd' patri, et Magist. W.I. cōmiss. ac liber' pręd'

aut

aut eorũ cert' attornat', executor' & administrat' suis, in fest' sancti Mic. Archangeli prox' futuro, post datum præsentium. Ad quã quidem solutionem bene & fideliter faciend', obligamus nos, & quemlibet nrum per se pro toto & in solido, hered', executor', & administrator' nros firmit' per præsentes, sigill' nostris sigillat'. Dat' &c.

Thus much of Obligations not being of Record, whereunto succeed those that be of Record.

Recognisances.

AN Obligation by matter of Record, is a writing obligatory, knowledged and inroled in some of his Maiest. courts of Record before a Iudge or other officer, hauing authority to take the acknowledgement thereof. And is either a Recognisance, or a Statute. In a Recognisance, hee is the Recognisor which knowledgeth it, and hee the Recognisee to whom it is knowledged. And a Recognisance is a bond of Record testifying the Recognisor to owe vnto the Recognisee a certaine summe of money, and is knowledged in some court of Record, or before some Iudge or other Officer of such court, hauing authoritie to take the same: as the masters of the Chancerie, the Iudges of either Bench, Barons of the Exchequer, Iustices of Peace &c. And those that be mere Recognisances are not sealed, but are inrolled. And execution by force thereof, is of all the Recognisors goods and chattels, except his draught beasts, and implements of husbandrie, and the moitie of his lands: and they bin made thus: Sect. 103.

A Recognisance in the Chauncerie.

IOh. A. de A. in Comitatu Sussex armiger, coram domina Regina in Cancellaria sua personaliter constit', recognouit se debere I. B. ciui & Grocer' London, centum & nonaginta libras bonę & legal' monet' Angliæ, Soluend' eid' I. B. aut suo cert' attornat', hered', execut', vel assignat' suis, in festo Purification' beatæ Marię virgin', px' futur' post dat' huius recognit'. Et nisi ita fecerint vult & conced' p se, hæred', execut', & administrat' suis p present', q dict' sum' cent' & nonagint' libr', leuitur & recuperetur de manerijs, messuag', terris, tenem'tis, bonis, catall', & hæreditament

ditament ipsius I.A. hered, executor, & assignat suor vbicunq; fuerint inuent per presentes. Teste dicta domina regin. apud West. vltimo die Decemb. Anno regni eiusdem dom' nostr Eliz Regin' xxxvj.

A Recognisance in the Admiraltie.

DIe Martis vij. die mensis M. An. dom' 1580. Regniq; Serenissimę dominæ nostr El. reg. &c. ann' vicesim' tertio, corā D.L. Legum doctor suprem' Cur Admiral' Angl' Iudice, nec non vno è Commissarijs pro piratijs, deprædation' &c. in ædibus suis &c. in presentia mei Will. H. notarij publici dict' cur Registoris, comparauerunt personaliter Willihelmus A. de C. in com. Suss. gener, T.S. de parochia sancti Mildredi in Pultria ciuit London' Iremonger, Will' A. de T. in dict com' Suss. gent, & T.M. de A. in comitatu Glamorgan gener, ac recognouerunt se deber dict sereniss im' dom' nr Eliz. reg. &c. sūmam ducentar librar: Soluend eidē dom' reg aut suo certo attornat, hered vel successoribus suis prim. die prox. futur mensis April', Quam sum' quilibet eor recognouit se debere. Et nisi hæc fecer &c.

A single Recognisance before Iustices of the peace.

MEmorandum qd septimo die Ian' ann' regni dom' nostr Eliz. dei gratia Angl', Franc', & Hibern' reg. fidei defens. &c. xxxvj. venerunt corā nobis C.B. Milit, & W.M. armiger Iusticiar dict domin. reg. ad pacē in com. E. conseruand. assignat' I.S. de B. in com. E. yeomā & W.S. de eodem weauer, ac R.D. de S. in com' præd Taylor, Et recognouer se deber dict' dom' reg. viz. quilibet manucapt' præd quinq libr, & præd I.S. decem libr bon' & legalis monet' Angl. Soluend. eidē dom. regin. in festo Purific. beat' Mariæ virginis prox. futur post dat. præsentium. Et nisi fecerint, concesserunt &c. *vt supra.*

A Recognisance for the peace, and to appeare at the next sessions.

Sect. 104. MEmorandum quod 4. die Iulij, Anno regni dom. nostr Elizabeth. dei gratia &c. xxxvj. R.P. de I. in com. E. yeoman in propr persona sua, venit coram me G.M. vno Iusticiarior dict. dominæ Reginę ad pacem in dicto comitatu conseruand. assignat. & assumpsit

pro

pro seipso sub pœna xx.li. Et H.I. de L. in com' prædict' yeoman. Et I. E. de M. in eodē comitatu husbandman, tunc & ibidem in propriis ꝑsonis suis similiter venerūt, & manuceperūt ꝑ predict' R.P. (videlicet) quilibet eorū seperatim sub pœna centum solid', Quod idem R.P. personaliter comparebit coram Iusticiarijs dict' domin' reg. ac pacem, ad proxim' generalem Sessionem pacis in comitatu predict' apud M. tenēdam, ad faciendum & recipiendum quod ei ꝑ Curiam tunc ibidem iniungetur. Et quod ipse interim pacem dict' dom. reg. custodiet erga ipsam dom. Reginam & cunctum populum suū & precipue versus M.N. de I. predicta yeoman. Et quod damnū, malum aliquod corporale, aut grauamen pref. M.N. aut alicui de populo dict' do. reg. qd' in lesionem aut ꝓturbaī pacis ipsius dom. reg. cedere valeat quouismodo nō faciet, nec fieri ꝓcurabit. Quam quidem summā viginti libraī predict' R.P. & quilibet manucaptorum predictorum predictas seperales summas centum solid' recognouerunt se debere dict' dom. reg. de terris & tenemēt, bonis & catallis suis, & quorumlibet & cuiuslibet eorum, ad opus dict' dom. reg. hæred' & succesorum suorum fieri & leuari, ad quorumcunque manus deuenerint si contigerit ipsū R.P. premiss. vel eorum aliquid in aliquo infringere, & inde legitimo modo conuinci. In cuius rei testimonium, ego predict' G. M. præsent' sigillum meum apposui. Daī apud I. prædict' die & Anno primo supradictis.

Or thus, a little differing.

MEmorandū quod quarto die &c. A.B. de I. &c. & C.D. de eadem yeoman, venerunt corā me G.M. &c. & manuceperunt pro I.S. nup de L. &c. quod ipse personaliī comparebit corā me prefaī G.M. vel socijs meis Iusticiaī pacis dom. reg. ad ꝓximā generalem Sessionem &c. Et quod ipse interim geret pacem erga cunctum populum dictæ dom. Regi. & precipuè erga R.S. &c. viz. quilibet manucapī predī sub pœna xx. libr̄, Et prædict' I.S. assumpsit pro seipso sub pœna xl. libr̄. Quam quidem summā xl. libr̄ prædict' I.S. & quilibet manucaptorum predict' dictam summam xx. libr̄, recognouerunt &c. *ut supra.*

Recognisance for the good Abearing.

MEmorandum quod 5. die mensis Iulij Anno regni Elizab. &c. xxxvj. veneī coram nobis E.N. & W.S. &c. quod idem R.G. personaliter comparebit coram Iusticiaī dictæ dominæ Reginæ ad pacem &c. ad proximam generalem Sessionem &c. Et qd' ipse interim

se bene gerat erga dictam dominam Reginam, & cunctum populum suum, & precipuè erga I.B. de C. &c. Et quod ipse non inferet, nec inferri procurabit, per se, nec per alios, damnum aliquod seu grauamen præfat I.B. seu alicui de populo ipsius domin' Reginæ de corporibus suis per insidias, insultus, seu aliquo alio modo, q̄ in lesionem seu pturbationem pacis dict' dn'æ Regin' cedere valeat quouismodo: viz. vterque prædict' H. C. & I. S. sub pœna C. li. Et prædictus R. G. sub pœna C. C. libr. Quas quidem seperales summas centum librarum, vterque prædictorum H. C. & I. S. (vt prædicitur) p se ac prædict' R. G. dictas C C. li. recognouerint se debere dictæ dn'æ Regin', de terris & tenementis, bonis & catallis suis, & quorumlibet & cuiuslibet eorum, ad opus ipsius dictæ dn'æ Regin', fieri & leuari, si contingat præfat R. G. in aliquo premissorum deficere, & inde legitimo modo conuinci &c. In cuius rei &c.

A Recognisance to giue in euidence against one that is suspected of Felonie.

MEmorand' quod xx. die Nou. Anno regni dn'æ nostræ Elizabethæ Dei grat' Angl', Franciæ, & Hiber' Reg. fidei defensor &c. xxxvj. R. T. nuper de C. in com' prædict' yeoman venit coram me W. M. armig' vno Iustic' dict' domin' reg. ad pacem in com' præd' conseruand' assignat', Et recognouit se debere dict' domin' reg. quinque libr', legalis monet' Angl' Sub conditione, qd̄ ipse p̄sonaliter comparebit coram me & socijs meis Iustic' præd', ad proximam generalem goalem in comitatu præd' tenend': Et ad tunc & ibidem ostend' in euidenç', secundum formam statuti, versus D. E. in com' præd', qui modo attach. & suspect' feloniæ goalę dictæ dominæ Reginæ com' prædict' commissus exist it, quod tunc &c. alioquin &c.

A recognisance for keeping of a Tauerne.

MEmorandum quod 4. die Februar Anno reg. domin' nostr Elizabethæ Dei gratia Angliæ, Francię, & Hiber' reginæ fidei defensoris &c. xxxvj. venerunt coram nobis C. B. & H. W. Milit, Iusticiar dict' dominæ reginæ ad pacem dictæ dominæ reginę in Comitat Ebor conseruand', Necnon alia malefacta ac diuersas transgres. perpetrat audiend' & terminand' assignatis, A. B. de T. in comitatu prædict' L. & R. A. in comitatu prædict' H. & W. T. de eadem in eodem comitatu Weauer. Et manuce per (videlicet) quilibet manucapt prędict' sub pœna quinquaginti solid'. Et prędict' W. T. assumpsit pro se sub pœna quinque libr, quod ipse W. T. bene gerat Tabernam secundum formam statuti. Quas quidem seperales summas quilibet eorum cognouit

se

se debere dict' dom̃ Regin', Atque volunt & concedunt de terris & tenemtis, bonis & cattallis suis et cuiuslibet eorum fieri et leuari, si præd' W.T. defecerit &c.

A Recognisance for alehouses.

MEmorandum quod 7. die Sep. &c. Anno reg. &c. I.L. Baker, et I G. Ioiner de &c. in comitatu præd', venerunt coram nobis W.K & A.B. armig', duobus Iusticiar' dom̃ reg. & manuceperunt pro R.D. de &c. quilibet manucapt' præd' I K. & I.S. sub pœna decem libr', & idem R.D. manucepit pro seipso sub pœna vigint' libr', q; vbi præd' R D. per præd' Iusticiar' nunc admissus est ad custodiend' cõmun' domũ Ceruitiæ siue Tipland', secundũ formam statuti in anno 5. et 6. dn'i regis Edw. sexti ædit', si præd' R.D. deinceps non custod' nec frequentat aliquos ludos illicitos, siue prohibit' in domo sua, neq; hospitet in domo sua aliquos vacabundos, siue otiosas aut suspectas personas, nec custodit aliquam malam requiem in domo sua, durante termino quo ipse occupauerit cõmunem domũ Ceruic' siue Tiplãd': Et si defect' fiat in aliquo siue aliquibus premiss. tã manucapt' prędt, quã R.D. cognouer' summas præd' leuand' de bonis & cattallis, terris, et tenementis, ad opus et vsum dict' dominæ regin' &c.

Alio modo.

MEmorandum quod x. die Ian. &c. A. &c. venerunt corã nobis W K. & A.B. armig' duob' Iustic', & A.B. et E.F. &c. et manuc' pro I.H. viz. quilibet manucapt' sub pœna vj. li. et prędt I.H. per seipsũ assumpsit sub pœna x. li. quas &c. si &c.

A Recognisance before a Iustice of the common Pleas:

MEmorãdum quod viij. die Martij, Anñ regni Elizab. &c. xxxvj. A.B. de C. in comitat' D. Miles venit coram me R.H. vno Iusticiariorum dict' dom̃ reg. de banco in propria persona sua, Et recognouit se debere E.F. armig' sexcẽt libras legalis monetę Angl' Soluend' eidem E. executor' vel assignat' suis, in festo Natiuitatis sancti Io. Bap. proxim̃ futur'. Et nisi fecer', concedit, pro se et hered' suis, quod prædict' sexcent' libr' de terr' et cattallis suis ad opus et vsum ꝓdicti E. et executorum suorum leuentur, ad quorumcunque manus deuenerint &c.

A Recognisance before the Barons of the Eschequer.

MEmorand̃ quod I.M. gen̄, nominat⁹ Balliuus & collector reddit̃ & reuenc' manerī de B. in com̄ E. nup̄ parcell' possessiõn nup̄ Monasterij de P. in com̄ præd̃ C.I. de S. in com̄ præd̃ gen̄, & F.S. de C. in eodem com̄ gen̄, venerunt coram Baron̄ de Scacc' dom̄ reginę nunc apud Westm̄ decimo nono die M. anno regni dict̃ dom̄ reginæ nunc vicesimo nono in propriis p̄sonis suis. Et recognouerunt se coniunctim & diuisim deber eid̃ dom̄ reg' &c. Soluend̃ eid̃ dom̄ reg' in festo &c. p̄x' futur̃. Et nisi fecerint, concedunt & quilibet eorum concedit pro se her̄ & execut̃ suis, q̄ Barones huius scaccar̄ de terris & tenementis suis de quibus ipsi aut eorũ aliquis, aut aliquis alius, siue aliqui alij ad eor̄ siue eor̄ alicuius vsum ad p̄sens seisit̃ existit aut seisit̃ existunt, ac de bonis & catallis suis ad quor̃cunq; manus deuenerint dictos denarios fieri faciant ad vsum dominę reginæ leuari.

Statutes, and Statutes Merchants.

Sect. 105

A Statute is a Bond of Record sealed, testifying the Debtor to owe vnto the Creditor a certaine summe of money. And the same Bond is knowledged before such persons, and in such manner as is appointed by Statutes in that behalfe made. And therefore beene such bonds termed Statutes: and they bee of two sorts, that is to say, Statutes Merchant, and Statutes Staple. A Statute Merchant is a Bond knowledged before one of the Clerkes of the Statutes Merchant and Maior or chiefe Warden of the City of London, or two Merchants of the said Citie for that purpose assigned, or before the Maior, chiefe Wardein or Maister of other Cities or good Townes, or other sufficient men for that purpose appointed. And sealed with the seale of the Debtor, and of the King, which is of two pieces, the greater is kept by the said Maior, chiefe Wardein &c. and the lesser peece thereof by the sayd Clerkes. The fee for the sayd Seale is for Statutes knowledged in Fayres of euerie pound an halfe pennie, and out of Fayres of euerie pound a farthing. The execution vpon Statutes Merchant is first to take the bodie of the Debtor, if hee bee lay, and can bee found,

if otherwise, then vpon his lands and goods, 13.E.1.ca. And it is made in forme following.

A Statute Marchant.

NOuerint vniuersi &c. nos A.B. et C.D. teneř, et p̄ p̄sens scripť de ſtatuť Mercatoř firmiť oblig. W.P. in quinquaginť libř ſterlingoř Soluend eid W.P. aut ſuo certo Atturnať hoc ſcripť oſtend, executoř vel adminiſtrať ſuis, in feſto P. prox. futuř poſt datū p̄ſentiū. Et niſi fecer, volumus et p̄. p̄ſent concedim⁹, q̄ currat ſup nos et vtrumq; nr̄um hæred, executoř, et adminiſtrať noſtř, p̄cena et diſtrict' prouiſ. in ſtatuť dom̄ Regis apud Acton Burnel et Weſt. pro Merchādiſis ędito tempore domini Ed. quondam Regis Anglię, progenitoris dominæ Reginæ nunc exiſten. In cuius rei teſtimoń huic preſenť ſcripť meo ſigilľ meū vnà cum ſigilľ dict' dom̄ noſtř reg. de Recogn̄ debiť villę de K. ſuper Hull' p̄d p̄ſenť appenſ. Dať corā R.I. Maiore villę de K. ſuper Hull' p̄d et I.L. cleric' ad hom̄odi recogn̄ debiť pro Merchand in eadem empť recuperand ordinať et prouiſ. accipiend deputať 30. die Ian. Añ reg. dict' domiñ Reginæ xxxvj. Sect. 106.

Orthus.

Coram A.C. de K. *vel* coram Cuſtod' ſigilľ dom̄ reg. nunc de Mercatoriб' in Nundinis de K. et C.D. clerico eiuſd dom̄ reg. ad huiuſmodi recogn̄ &c.

Another Statute Marchant.

NOuerint vniuerſi p̄ p̄ſenť me I.W. de &c. teneř et p̄ p̄ſens ſcriptū de ſtatuť Mercatoř firmiť obligař W.C. in xl. libř legalis monetæ Angl'. Soluend eid W. aut ſuo certo Atturnať, hæred vel executoř ſuis in feſto P. prox. futuř poſt datū p̄ſentiū. Et niſi fecero, volo et p̄ p̄ſentes concedo q̄ currant ſup me, hęred et executoř meos, diſtriction et pœna prouiſ. in ſtať dom̄ reg. apud Acton Burnel et Weſt. pro Mercať ædiť Et facta fuit hæc recognic' coram I.F. & W.C. tunc Ball' vilľ G. præd, cuſtod maioř peciæ ſigilľ dict' ſtatuť, et T.R. clerico dom̄ reg. cuſtod minoř peciæ ſigilľ eiuſd ſtatuť ad recogn̄ debitoř Mercatoř apud G. præd accipiend deputať. In cuiꝰ rei teſtimoń huic p̄ſenť ſigilľ meū et ſigilľ dict' ſtatuť apponi procurauit. Dať G. die &c. anno &c.

A Statute knowledged before Baylifes.

NOuerint vniuersi p̃ p̃sentes nos H.L.de B.in comitat̃ S. geñ, I.P. de M.in com̃ R.geñ,I. P.de Noua vill̃ in com̃ &c.armig' I. Ap. E W.in com̃ S. p̃dict' geñ,I.D.de p̃dict' in eodem com̃ S. geñ, O.Ap.M de W. p̃dict' in com̃ S. p̃dict' geñ,M. Ap.I.de W. p̃dict' in com̃ S. p̃d̃, yeoman,teneri et firmiter obligari H.T.et R.T. armig' in &c.Soluend̃ eisdem H.et R.aut eorum vni,seu eorum certo Atturnat̃, executor̃,seu assignat̃ suis,in festo P.proxim̃ futur̃ post datum presẽtiũ.Et si defecer̃ tunc volumus et concedim' q̃ currant sup̃ nos, et quemlibet nr̃um et hæredes nr̃os, district' et pœna prouis. in statut̃ pro Mercator̃ apud Acton Burnel,et W. tempore dñi Edw.quondam Reg. Angl' ædit̃ recuperand̃,Et facta fuit hæc recognitio coram R.M.et I.H.ballinis dict̃ reginæ villæ suę de L.custod' maioris pecię sigill' statuti Mercat̃ quod dom̃ debit̃ Mercat̃ apud L. p̃dict' deputat̃, ac custod̃ minoris peciæ sigill' eiusd̃ statut̃. In cuius rei testimoniũ huic p̃sent̃ script̃ nr̃o sigill' nr̃a apposuim', et pro maiore securitate sigill' statut̃ Mercator̃ villę q̃ his apponi procurauim'. Dat̃ xx. die &c. In An̄ regni dict' domin̄ reg. &c.xxxvj.

A Statute Marchant knowledged before Baylifes.

NOuerint vniuersi per presentes me W.C.in com̃ de S.yeoman,teneri et firmit̃ obligar̃ I. B. de S.p̃d̃ Mercat̃ Stapul̃ Calic' in &c. Soluend̃ eid̃ I. aut suo certo atturnat̃, hęred̃, vel executor̃ suis,in festo B. p̃x.futur̃ post dat̃ præsenc'. Et nisi fecero, volo q̃ currant super me, hær̃, & execut̃ meos,pœna & districtiõ prouis.in stat̃ dñi Reg.E.apd̃ Acton Burnel pro Mercator̃ ædit̃,& postmod̃ apud West. recitat̃. In cuius rei test̃im tã sigill' præd̃ dñi reg. pro hm̃di caus. ordinat̃ quã sigill' meũ præsent̃ sunt appens.Dat̃ apud S.decimo die &c.

A Certificat of a Statute.

VEnerabili & honorabili viro N.B. Milit̃, dño custod̃ magni sigilli illustrissimę dominæ nost̃ Reginę Angliæ,Ad vr̃am denominac' mandat̃ parat̃ O.H. & E.P. Ballini dictæ dominæ nostræ reg. vill̃ suæ S.& A.M. clericus ad recogn̄ debitor̃ in eadem accipiend̃ deputat̃, reuerentiam & honorem denominac' vestræ: Significamus quod decimo die &c.An.regni Regis Hen̄ vij. post conquestum Angl' &c. W.C.de villa de S.in com̃ S.geñ,venit cor̃ N.W.et H.W.tunc Ballinis villæ S.et cognouit se debere I.B.de S. Mercat̃ stapulæ Calic' &c. quas idem W.C. soluere debuit in festo P.prox' futur̃,et eas q̃ W.eid̃ I. nondum soluit vt dicit̃,et quia p̃t̃.W.solutiõn̄ suę termin̄ quod I.non obser-

obſeruauit, de nominac' vram honorabile humiliter deprecamur quatenus prefat W. ad dicti debiti ſui ſolue pfat I. faciend, iuxta formam ſtatuti pdict' compellere, velleret dominac' veſtra.

Statutes Staple.

A Statute Staple is either properly ſo called, or improperly. A Statute Staple properly ſo called, is a bond of Record knowledged before the Maior of the Staple, in the preſence of one of the two Conſtables of the ſame ſtaple, for which ſeale the fee is of euery pound, if the ſum exceed not a C. l. halfe a penney. And if it exceed a C. l. of euery pound a farthing. And by vertue of ſuch a ſtatute ſtaple the Creditor may forthwith after certificat therof into the Chancery haue execution of the body, lands, and goods of the Debtor, 17. E. 3. c. 9. And the ſtatute ſtaple properly ſo called, is made as followeth. Sect. 107

A Statute Staple for Debt.

NOuerint vniuerſi p preſentes me I. H. de L. in Com Suſſex armig' teneri et firmiter obligari I. A. in &c. Soluend' eidem I. A. aut ſuo certo Attorn hoc ſcript oſtend', hæred' vel executor ſuis in feſto Purificat beat Mar virginis proxim futuro poſt dat pſentium. Et ſi defecer in ſolutione debit pdict', volo et concedo quod tunc currat ſup me hæred et executor meos pœna in ſtatuto ſtapul de debitis pro merchandiſis in ead emptis recuperand, ordinat et prouiſ. Dat xj. die Feb. anno reg. dñæ mę Eliz. dei gratia &c. Sect. 108

Note that if any Statute Merchant, or of the Staple, within foure Monethes after the knowleging thereof, be not brought to the Clark of Recognilances, taken according to the Statute of 23. H. 8. cap. 6. or his Deputy, and the true copie thereof there entred in the booke of the ſaid office, within 6. Monethes after the ſaid knowleging thereof, then is the ſame thereby voide againſt purchaſers of landes which otherwiſe ſhould be thereunto lyable. 27. Eliz. cap. 4.

Of a bond, vnproperly called a Statute Staple.

A Statute Staple improper, is a bond of Record founded vpon the ſtatute of 23. H. 8. cap. 6. of the nature of a proper ſtatute ſtaple, as touching the force and execution thereof, and knowledged before one of the chiefe Iuſtices, and in their abſence before the Maior of the ſtaple, and the Recorder of London, in this maner. Sect. 109

Nouerint

Nouerint vniuersi p̄ p̄sent nos A.B. et C.D. arctᵉ tenerᵉ et firmiᵗ obligari I.S. in C.I. sterling. Soluendᵒ eidᵐ I. aut suo certᵒ attornᵗ hoc scriptᵒ ostendᵗ, hæredᵐ vel executorᵐ suis in festo Pas. proximᵒ futurᵒ post datᵐ præsentiū, Et si defecerimᵘˢ (if two or more be bound) or si defecero (if one only) in solutione debiti p̄dᵗ, volo et concedᵒ, *vel* volumᵘˢ et cōcedimᵘˢ q; currat sup me, hæredᵐ et executorᵐ meos *vel* sup nos et vtrumq; vel quēlibet nrum hæredᵐ et executores nostros pœna in statuto stapulᵉ de debitis pro merchandisis in eadem emptis recuperandᵉ ordinatᵉ et prouis. Datū &c.

Conditions of Obligations and *Recognisances.*

Sect. 110

HItherto haue we shewed the seueral formes of Obligations, Recognisances, and Statutes: And now forsomuch as there be sundry Conditions et Defeasances made to defeat the same, It seemeth meete in this place to shew the formes of so many of thē as seeme necessarie for our instructiō in the making therof, leauing the rest which be almost infinite, to be made as occasion shalbe offered.

A Condition, Conditio, is therefore generally a rule, maner, or law, annexed vnto mens acts, staying and suspending the same, and making it vncertaine whether they shall be or no. For a Condition is properly said to be, when any thing is referred to any incertaine chance, which may happen, or not happen. But we omitting curiously to search out the diuerse significations and manifold diuisions thereof, will in this place onely touch some such Condition as may concerne Obligations and Recognisances. A Condition of an Obligation or Recognisance is such an agreement of both the parties to the same, as stayeth and delayeth the effect thereof, vntill the condition happen to be fulfilled: and is of sundry formes. But first we will handle such as concerne paiment of Money, or deliuerie of goods or other things.

A Condition to pay a summe of Money at a certaine day.

Sect. 111

THe Condition of this Obligation is such that if the within bounden A.B. his heires, executors, or administrators, or any of them do well and truely pay, or cause to be paid vnto the within named C.D

or

or his certaine Attorney, executors or administrators, or some of them x.li. of lawfull English money vpon the first day of October next insuing the date hereof, at or in the South porch of the parish Church of M. in the said countie of Y. That then this present Obligation to be vtterly void and of none effect, or else to stand, remaine, and bee of full force, strength, power and vertue.

Note that such Conditions as be subscribed or written vnder the obligations vpon the same side of the parchment or paper that the obligation is written vpon, are commonly called conditions, but such as be indorsed or written on the other side thereof are called indorsements: and then is the same made in this sort.

THe Condition of the within written obligation is such, that if the within bound A.B. &c. to the within named C.D. &c. as next aboue Sect. 112

A Condition of a Recognisance for the paiment of money at two daies.

THe Condition of this Recognisance is such, That if the aboue bounden Y.G. his heires, executors, administrators, or assignes, or any of them, do well and truly pay or cause to be paied to the aboue named W.C. his executors or assignes or any of them, at, or within the mesuage or mansion house commonly called N. the place wherein Y.A widow now dwelleth, scituate and being in S. Martins le grand within the city of London, the sum of x.li. of lawfull English money in manner and forme following: That is to say, on the x. day of N. next comming after the date aboue written, at the place aforesaid, betweene the houres of vij. of the clocke in the forenoone of the same day, and v. of the clocke in the afternoone of the same day, v.li. of lawfull English money, and in the tenth day of February then next following, at the place aforesaid, and betweene the houres aforesaid other v.li. That then this Recognisance to be void and of none effect. And if default be made in payment of the same x.li. or any part thereof, contrary to the order and forme aforesaid, That then this present Recognisance to stand, remaine, continue and be in full force, strength, and vertue.

A Condition to pay money and deliuer wooll.

THe Condition is, That if the within bounden R.S. his &c. do well and truly content and pay, or cause &c. vnto the within named M.G. Sect. 113

at

at &c. the summe of x. li. of good &c. at the feast of &c. And also doe well and truly deliuer or cause to be deliuered vnto the said R. &c. at the place aforesaid, on this side the feast of &c. or within foure dayes next ensuing after the said feast xl. stone of good, marchantable and perfect fleece woll without tarre or locks, being woll, cleane, and sufficiently washed and perfectly dried, That then &c.

A Condition for the farme of Kine, and deliuery of them or money.

Sect. 114 THe Condition &c. That where the within bounden A. C. hath letten to farme to the within bounde C. B. three milch Kine for terme of seuen yeares next ensuing after the feast of &c. if the said C. B. his heires, executors or administrators, do well and truly content and pay, or cause to be contented and paid vnto the said A. C. his executors or assignes x. s. viij. d. of good English mony yearely, and euery yeare during the said terme, for the farme of the said iij. milch Kine. And also in the end of the said terme, do deliuer or pay, or cause to be deliuered or paied vnto the said A. C. his executors or assignes, three good and able milch kine, or els the sum of &c. for and in consideration of the said three milch kine so demised, at the election of the said A. C. his executors or assignes That then &c.

A Condition to deliuer sheepe or money, and the farme.

Sect. 115 THe Condition of this obligation is such, that where the within named E. W. hath letten to farme, and deliuered into the hands and possession of the within bounden E. D. xl. good and sound Ewes, to haue, hold, and to take the whole commodities and profits of the sayd xl. Ewes from the feast of &c. last past before the date hereof, for and during the whole time and terme of fiue yeares from thence then next following, and fully to be ended, if the said E. his heires, executors, administrators, or assignes doe content and pay, or cause to be contented & paid vnto the sayd E. his executors or assignes 30. s. of &c. at the feast of &c. next comming, and so forth yearely, and euery yeare at the same feast &c. 30. s. for the yearely farme of the sayd sheepe during the whole terme of the sayd fiue yeares: And also at the same feast of &c. at the end of the sayd fiue yeares, which shall be in the yeare of our Lord God 1594. do deliuer or cause to be deliuered vnto the same E. or to his certaine Attorney, executors or assignes xl. sufficient and good Ewes whole and sound, or else in recompence of the aforesayd

sheepe

A condition to pay Money, or knowledge a Statute Staple.

THe condition &c. That if the within bounden W. A. his executors or assignes on this side the feast of S. within written, doe well and truly content and pay, or cause to bee payed vnto the within named R. S. his executors or assignes C. li. of &c. at one whole and intire payment: Or else if the said W. A. on this side the said feast of S. shall by a certaine Obligation or Recognisance of the nature of a Statute of the Staple, ordained and prouided for the recognisance of debts, sufficiently recognise and knowledge before the chiefe Iustice of the Vniuersall Court of the pleas of her Crowne to bee holden, or before her highnesse chiefe Iustices of her Court of Common Pleas at Westminster in the County of Kent himselfe to owe vnto the said R. his heires, executors, or assignes, one hundreth pounds of &c. to bee paid vnto the said R. or his certaine Attorney, his executors, or assignes, at the feast of the Annunciation of the blessed virgin Marie, which shall be in the yeere of our Lord God 1593. That then &c. Sect. 116.

A condition to pay Money by a day, or else to yeeld vp an arrest.

THe condition &c. That if one W. A. of &c. shall on the feast day of &c. which shall be in the yeere of &c. well and truly content and pay, or cause to be contented and payed to the within named G. C. his executors or assignes iiij. li. of &c. according to the tenor of a certaine writing obligatorie, bearing date &c. wherein the same W. standeth bounden to the said G. C. Or else if the said W. A. shall on the said feast day of &c. in proper person come and repaire vnto the Guildhall of the Citie of L. and there shall remaine from 1. of the clocke &c. vntill 2. of the clocke at none of the aforesaid feast day, ready to yeeld himselfe to be arrested, to answer vnto such action and actions as shall bee commenced against him at the suit of the said G. vpon the aforesaid writing obligatorie, That then &c. Sect. 117.

A condition to pay Money for a Chaine of gold vpon descent of lands vnto him.

THe Condition &c. That where the within named I. C. hath giuen to the within bound W. A. one Chaine of golde, if the said Sect. 118.

W. A.

T. H. his executors or administrators, in consideration and recompence of the said Estate, within one month next after any of the lands, tenements, or hereditaments, which late were the inheritance of one W. C. shall in the life of the said T. H. remaine, discend, reuert, or come to A. now wife of the said T. H. by right of inheritance, or as heire to the said W. C. doe pay, or cause to be paid to the said J. C. the summe of fortie pounds of good &c. That then &c.

A condition to pay after eviction.

Sect. 119. THe condition &c. That where the above bound J. A. hath lately bargained, granted, and sold vnto the above named R. C. and to his heires for euer, all that messuage and a Garden thereunto adioyning, and another Garden late &c. and a field called the Hall gardein, and a Meadow, and a Croft called C. G. and other hereditaments in T. above named, for the summe of &c. of lawfull money &c. as in a paire of Indentures thereof made betweene the said parties, bearing the date hereof, plainly appeareth: If therefore the said messuage, lands, tenements, and other the premisses, or any parcell thereof, doe at any time or times hereafter, lawfully euicted, denesked, or taken away from the possession of the said R. his heires, executors, or assignes, without any couin, deceit, or fraud, And after notice of such said euiction or taking away thereof made to the said J. his heires, executors, or administrators, at the Parish Church of B. aforesaid, by the said R. his heires, executors, administrators, or assignes: Then if the said J. his heires, executors, or administrators, within one quarter of a yeare next after such notice giuen, doe well and truely content and pay, or cause to be contented and paid vnto the said R. his heires, executors, or assignes, at the Font stone in the Cathedrall Church of Saint Paul in London, the summe of &c. of lawfull money &c. or as much of the &c. as the part or parcell of the said messuage, lands, tenements, or hereditaments, as aforesaid, so lawfully euicted or taken away, is now worth, after the rate of the foresaid bargaine or purchase, That then &c.

A Condition to pay money, after returne from R. &c.

Sect. 120. THe condition &c. That if the within bound T. T. his executors or assignes, or any of them, do pay, or cause to be paid to the within named W. C. his executors or assignes, or to any of them, the summe of &c. of lawfull &c. at one entier payment, within one moneth next after

after the returne of the said W. from M. in the parts of Italie into England, and true notice thereof giuen by the said W.C. to the same T.T. That then &c.

A Condition to pay money at his returne from &c.

THe Condition of this obligation is such, that whereas the within named D.S. is now minded to trauell personally to the Citie or Towne of I. in the prouince or countrie sometime called I. or to the place where the said Citie or Towne sometime was scituate and stood: if therefore the within bound A.B. his heires, executors, administrators, or assignes, or any of them, shall well and truely content, satisfie or pay, or cause to be contented, satisfied or paied, vnto the aboue-said D.S. his executors, administrators, or assignes, the summe &c. of lawful &c. within &c. next after and ensuing the day of the returne of the said D.S. into the realm of England, from the said place, and haue lawfully proued, shewed and declared or published vnto the said A.B. his executors &c. by certificat or testimoniall vnder the seale of the said city or towne of I. or of the next citie, towne, or place, hauing a common seale, vnto the place where the said city or town of I. was scituate and stood, or vnder the seale of the state of the city of Venice in Italie, or by other sufficient or true proofes, that the said D.S. hath bin personally at the said city or towne of I. or at the place where the same towne or city sometime was scituate and builded. That then &c. Sect. 121.

A Condition to pay money at his returne, mariage, or death.

THe Condition &c. that where the within named N.S. hath bargained and sold to the within bound Y.B. one gold ring for the summe of 3.li. of good &c. if therefore the said Y. his heires &c. doe well and truely pay or cause &c. vnto the said N.S. his executors or assignes, the said 3.li. in maner and forme following, viz. at and vpon the day of the comming or arriuall of the said N. into I. from the citie of R. or within ten daies next after the said arriuall, or at, and vpon the day of the celebration of the mariage of the said N.S. or at, or vpon the day of the decease of the said N. viz. at the first of the said daies or termes which shall next happen to come to passe, That then &c. Sect. 122.

A Condition to pay money vntill, and at mariage, or after death.

THe condition of this obligation is such, that if the within bounden C.D. &c. shall well and truely content and pay, or cause &c. to C.D. daughter Sect. 123.

daughter of the within named I. S. or her assignes xl. sterling, yearely and every yeere the feast of &c. until the day of the marriage of the said E. the first paiment thereof to begin at the feast of &c. within written. And also shall truly content and pay, or cause to be contented and paied to the said E. or her assignes xl. li. of &c. at &c. upon the day of the mariage of the said E. And if it shal fortune the said E. to depart this worlde before she shalbe maried, then if the said R. P. his heirs &c. or any of them shall truly content and pay, or cause to be contented and paid to the said I. S. his executors or assigns, the said summe of xl. li. within one month next after the decease of the said E. That then &c.

A Condition to pay childrens parts.

Sect. 124. THe Condition of this obligation is such, that if the above bounden R. P. his heires, executors, administrators, or anie of them, doe pay and deliuer, or cause to be paid and delivered vnto the above named W. E. M. and A. naturall children of the abovenamed R. late of K. aforesaid, their late father deceased, their severall filiall portions or childes parts, of the goods and chattels of their said late father, according to the Inuentorie thereof. And also account and render vnto them of all other their rights due vnto them, or to any of them, by vertue of the last will and testament of their said father, when they come to lawfull age of xxi. yeares, or be maried, or require the same. And also honestly, according to their degrees, educate and bring vp the said children during the time of their nonage, with meat, drink, apparrell, and learning. And if it fortune any of the said children to die before they come to a lawfull age, or be maried, as is aforesaid, Then if the said R. P. doe content and pay the portion, and other such rights of him, her, or them so dying, to whom the law shall appoint the same to be paied, and which of right ought to haue the same. And also saue and keep harmles the above named reuerend father in God, maister W. I. Commissarie aboue said, and all other his officers and ministers against all men by reason of the premisses, That then &c.

Conditions to pay a rent.

Sect. 125. THe Condition of &c. ỳ where the within bounden A. B. hath lately taken in farme for the terme of vj. yeares, of the within named C. D. one tenement, set and lying in the Towne of W. &c. for the rent of xl. s. yearely to be paied, as in a paire of Indentures thereof made, whose date is &c. plainely appeareth: That if the said A. B. or his executors, do well and truely pay or cause to be paid to the said C. D. his

heires

heires and assignes, the foresaid, yearely rent of xl.s. at the dayes and termes accustomed, according to the tenor and effect of the said Indenture &c. That then &c.

¶ *A Condition to pay an Annuitie, and not to sue a Replegiarie &c.*

THe Condition of &c. that where the within bounden I.P. by his deed indented, bearing the date of this obligation, hath given and granted to the within named B. one annuity or annuall rent of x.li. of lawfull money of England, to be yerely paid, as in the said deed indented plainly appeareth. If therefore the said I.P. his heires, executors, or assignes, do well and truly content and pay, or cause to be contented or paied, the said annuitie or annual rent, without suing any Deliuerie or Replegiare, for any beasts, goods, or cattells at any time hereafter to be distrained for the same rent, or for any part thereof, and without making any rescous of any distres, or distresses, thereof to be taken, and without any maner of incloser, denier, forstalling or other disturbance or interruption of the said I.P. his heires, executors, or assigns, or of any other person or persons by his or their procurement, assent, or agreement. That then &c. Sect. 126.

¶ *A Condition to repay money receiued with a Prentice.*

THe Condition &c. That where one E.S. sonne to the within named L.S. by his Indenture of apprenticehood, bearing the date hereof, hath put himselfe apprentice to the within named S. after the manner of his apprentice to dwell with, and serue him from the feast of S. Thomas thapostle last past before the date of these presents, vntill the end and terme of eight yeares thence next insuing, and fully to bee complete and ended, as by the same Indenture more plainely appeareth. And where also the said L.S. the day of the date hereof hath paied and deliuered vnto L.S. the summe of CCC. pound of &c. to occupie and imploy the same to his owne vse, during the said terme of eight yeares, if the said L. and E. so long do liue, and the said E. doe so long dwell with him the said L.S. And where also the said L.S. by obligation bearing date &c. hereof standeth bound to the said L.S. for the payment of CC. pound of &c. to be paied to the said L.S. his heires, executors, or assignes, the tenth day of &c. next comming after the date hereof, as by the same Obligation more plainely appeareth, to the intent that hee the same L. may imploy the same to his owne vse during the said terme, if the said E. and L. doe both so long liue, and the same Sect. 127.

ſame E. ſo long abide with the ſaid T. Therefore if it fortune the ſaide T.S. or the ſaid E. or either of them to die or deceaſe within the ſaid terme of eight yeares, or if the ſaid E. within the ſame terme of eight yeres, ſhall happen to be ſet ouer to any other perſon or perſons to ſerue out his yeres, or ſuch part of the ſaid term as he ſhal then haue to ſerue, or if the ſame E. do depart from the ſeruice of the ſaid T. his ſaid maſter during the ſaid terme, or if the ſaid terme ſhalbe expired: Then if the ſaid T.S. his executors, adminiſtrators, or aſſigns, within thirty daies next inſuing, after ſuch deceaſe of the ſaid T.S. or E. or from the ſetting ouer of the ſame E. or the departure of the ſame E. out of the ſeruice of the ſaid T.S. as is aforeſaid, or the expiration of the ſaid terme of 8. yeres, which of them ſhall firſt chance to come or be after the date hereof, doe well and truely pay, or cauſe to be paied to the ſaid T.S. his executors or aſſigns, as well the ſaid ſumme of rrr. li. as alſo the ſaid ſumme of rr. li. of &c. without fraud, couin, or deſceit. That then &c.

A Condition to deliuer fagots.

Sect. 128. THe Condition &c. That if the within bounden F.P. his &c. doe well and truely deliuer, or cauſe to be &c. one thouſand fagots of wood of Oke, Aſh, or Elme, of able good ſtuffe, after the rate of x. hundred to the thouſand, and fire ſcore foure fagots to euery hundred, euery fagot to containe in length foure foot and a halfe at the leaſt, and one yard within the band, and to bee well made, and full and ſufficiently filled and bound, at, or on this ſide the feaſt of &c. at the manſion houſe &c. That then &c.

A Condition to pill and fell wood make and deliuer Fagots.

Sect. 129. THe Condition &c. That where the within bounden I.C. the day of the date within written, for a certaine ſumme of money to him by the within named E.P. at the enſealing of theſe preſents, well and truely paied, whereof the ſayd I.C. knowledgeth himſelfe to be ſatiſfied and contented, hath bargained and ſolde to the ſaid E.P. all thoſe his tenne Okes, now ſtanding and growing in little P. in the countie of N. in a certaine wood, the parcell of a tenement there called C. as the ſaid tenne Okes be alreadie marked, out of the ſaid C. to bee felled by the ground in barking time, The barke to bee pilled from them, and the toppes of the ſaid tenne Okes to bee made into Fagot wood, called halfe hundred wood, and other blockes meet for the fire, to bee deliuered to the ſaid E.P. his executors or aſſignes, at the

manſion

manſion houſe of the ſaid E. within the ſaid citie of N. at the coſts and charges of the ſaid I. C. his executors or aſſignes, before the feaſt of P. &c. Therefore if the ſaid I. C. his executors or aſſignes, at his or their proper coſtes and charges, before the ſaid feaſt of P. &c. ſhall fell, or cauſe to bee felled hard by the ground in barking time the ſaid ten okes, And ſhall pill the barke from them to the moſt aduantage of the ſaid G. his executors or aſſignes. And make, or cauſe to be made all and ſingular the tops of the ſaid ten okes, into good and ſufficient fagot wood called halfe hundred wood, and other blocks meet for the fire. And ouer that, if the ſaid I. C. his executors or aſſignes, at his or their like proper coſts and charges, before the ſaid feaſt of P. ſhall deliuer, or cauſe to bee deliuered to the ſaid E. N. his executors or aſſignes, at the manſio houſe of the ſaid E. within the citty of N. aſwell all and ſingular the bodies of the ſaid ten okes, and euery of them, with the barke from them to be pilled, as alſo all and ſingular the ſaid fagot wood, called halfe hundred wood, and other blocks, comming and ariſing of the tops of the ſaid ten okes, and euery of them; That then &c.

A Condition to deliuer Codde Fiſh.

THe Condition &c. That where the within bounden L. B. hath bargained and ſold vnto the within named W. R. one thouſand Codde fiſh, commonly called Iſeland Codde fiſh, good and merchantable, and well and ſufficiently ſalted and dried, to be elected and choſen out of the Fiſh that ſhall be brought from Iſeland, in any of the three ſhips of the ſaid L. B. which bee called by any of theſe names, viz. &c. to be caſt out after the vſe and order in that behalfe vſed: that is to ſay, all ſkins &c. And a hundred of that worſt Codde fiſhes to bee caſt out of the thouſand, ouer and beſide the thouſand remaining. If therefore the ſaid L. B. his executors, adminiſtrators, or aſſignes, at, or on this ſide the feaſt of ſaint B. thapoſtle within written, do well and truely deliuer, or cauſe to be deliuered vnto the ſaid W. R. his executors, or aſſignes, at a certaine place called &c. one thouſand Cod fiſh, of good ſtuffe, and merchantable, well and ſufficiently ſalted and dried, to be choſen out of any of the aforeſaid fiſh, or out of the ſaid three ſhips, by the ſaid W. his executors or aſſigns, and to be caſt out after the order aboue preſcribed, according to ſuch maner and vſe, as in that behalfe is vſed amongſt fiſhermen or mariners, and according to the true meaning hereof, That then &c. Sect. 130.

¶ *A Condition to deliuer a laſt of Salmon.*

Sect. 131. THe Condition &c. That where the within bounden W. W. the day of the date within written, hath bargained and ſold to the within named H. H. one laſt of Salmon, accompting twelue barrels for a laſt, good, ſalt, ſweet, and marchantable, to be truly packed in barrels of Aſſiſe of the great bound, for the which laſt of Salmon, the ſaid H. knowledgeth himſelfe truly to be ſatiſfied, contented and paid, if the ſaid W. W. his executors or aſſignes, well and truly without any delay, deliuer, or cauſe to be deliuered to the ſaid H. H. or to his aſſignes, by the feaſt of S. Peter within written, the ſaid laſt of Salmon, good, ſalt, red, ſweet, and marchantable, franke and free at London, That then &c.

¶ *A Condition to deliuer Oyles.*

Sect. 132. THe Condition of this Obligation is ſuch, that if the within bounden I. at any time before the feaſt of S. Michael tharchangell nert comming after the date &c. deliuer, or cauſe to bee deliuered vnto the within named W. R. his executors, adminiſtrators or aſſignes, at, or in the new manſion houſe of the ſaid W. R. ſcituate in the ſaid Citie of L. ten Tuns of Oyle, Ciuill, good, ſweet, marchantable, full, and well houp'd accordingly, That then &c.

¶ *A Condition to deliuer Lead.*

Sect. 133. THe Condition &c. That if the aboue bounden I. H. his executors or aſſignes, doe well and truly deliuer, or cauſe to bee deliuered to the aboue named F. R. his executors or aſſignes, vpon the ſecond day of May nert inſuing the date hereof, ten fothers of good, pure, and marchandizable bole Lead, of the weight commonly called the bole weight, moſt commonly vſed within the Countie of Derby, that is, after the rate and weight of thirtie foot to the fother, euery fot to containe ſix ſtone, and euerie ſtone to containe fourteene pounds, at his Bole hill at Hardwicke in the ſaid Countie of D. where commonly hee vſed to burne his Lead, that then &c.

¶ *A Condition to deliuer Salt, or pay Money.*

Sect. 134. THe Condition &c. That if the within bounden R. & I. their &c. ſhall deliuer to the within named A. R. his &c. fifty. ſcore weyes of Bay-ſalt, good, and marchantable, after the rate of twentie one for twentie, or if the ſaid R. or I. their heires or executors, doe not deliuer, or cauſe

to

to be deliuered to the foresaid A. and R. &c. before the said feast of All Saints, the said eight score weighs of salt, in manner and forme aforesaid: Then if the said R. and I. their heirs or executors pay to the above named A. R. &c. for and in consideration of the said eight score weighs of bay salt, in the feast of &c. three score li. of &c. That then &c.

A Condition to redeliuer Plate lent.

Sect. 135. THe Condition &c. That whereas the above bounden W. W. hath lent and deliuered vnto the above bounden I. P. certaine parcells of siluer Plate hereafter mentioned, weighing 228. ounces and a halfe Haberdepois weight, of the value of 68. pounds, and 10. s. of lawfull English money, after the rate of 6. s. for euery ounce of the same weight as particularly hereafter followeth: that is to say, one liuerie Can guilt, wheighing 44. ounces and a halfe, one other liuerie Can guilt weighing 42. ounces and a halfe, one other drinking Can &c. If therefore the said I. P. his executors or administrators, or any of them doe within ten daies next insuing the date hereof wel and truly redeliuer, or cause to be redeliuered vnto the said W. W. or his certaine Atturney, executors, or administrators, or some of them, in the Hall of &c. All the same parcels of Plate, in such and so good plite, maner and forme in all respects as he the said I. P. or any other person or persons, for him, or to his vse, or by his appointment, hath or shall receiue the same, That then &c.

A Condition to deliuer corne.

Sect. 136. THe condition &c. That if the within bounden I. S. well and truely deliuer, or cause to be deliuered vnto the within named I. P. his &c. twentie quarters of wheat, white, and red, sweete, cleane, drie and merchantable with the best, on this side the feast of &c. That then &c.

A condition for the deliuerie of Corne.

Sect. 137. THe Condition of this Obligation is such, that if the within bounden I. D. his executors, or administrators doe well and truely deliuer, or cause to bee deliuered to the within named B. G. his certaine Atturney or executors, at the mansion house of the said B. G. within the Citie of N. tenne Combes of Rie, able, good sinne merchantable,

faire, cleane, and by a lawfull bushell measured, and also ten combes of malt like stuffe, merchantable, cleane, fine, and by a lawfull bushell measured, after the accustomed measure in the said citie of N. in maner and forme following: that is to say, on this side the feast of the Natinitie of our Lord God the said tenne combes of Rie, And on this side the feast of C. then next following the said tenne combes of Malt, after the rate and measure aforesaid. That then &c.

A Condition to deliuer Coales.

Sect. 138. THe Condition &c. do deliuer, or cause &c. L. C. his &c. at a certaine place in the ward of C. within the city of L. commonly called and knowne by the name of the common Wharfe, xx. Chaldrons of coales, commonly called New-castle, or sea-coales, well and truely measured, and as good, great, and large measure, as is commonly made and deliuered at the Key side in great Yarmouth, of very good, able stuffe, and merchantable with the best, on this side the feast of &c. That then &c.

A Condition to carrie Coales.

Sect. 139. THe condition &c. That if the aboue bounden L. C. his executors or administrators, or any of them, at his and their only proper costs and charges, do lead, carrie, bring, and deliuer, or cause to be led, carried, brought, and deliuered to the said Wil. Wil. his executors &c. xl. good and sufficient waine loads of sea-coales, euerie load thereof containing one whole tucke of coales, or more, from the coale pits, commonly called R. coale-pits, in the Lordship of R. aforesaid, to the now dwelling house of the said Wil. Wil. in R. aforesaid, at the seuerall times hereafter expressed: that is to say, x. loads of the said xl. loads parcell, before the feast of Penticost next insuing the date hereof, and other xx. loads of the said xl. loads before the feast of S. Michael tharchangel now next insuing, and other x. loads of the said xl. loads, before the said feast of S. Michael the Archangell, which shalbe in the yere of our Lord 1597. And other xiij. loades of the said xl. loads residue, before the said feast of S. Michael, which shalbe in the yere &c. That then &c.

A Condition to seale an Obligation with a surety.

Sect. 140. THe Condition of this Obligation is such, that if the within bounden L. L. his heires, executors, or administrators, and one other

good, able, and sufficient person with the said T.S. on this side the feast of &c. do seale, and as their deeds sufficient in the law, deliuer vnto the within named I.C. his executors or assignes, one good, lawfull, and sufficient writing Obligatorie in the Law, wherein the said T.S. and the other good, able, and sufficient person, and their heirs, executors, and administrators, and euery of them, shalbe and stand bound iointly and severally vnto the said I.C. his executors and administrators, in the summe of 100. marks of good English mony, indorsed with condition in due order and forme of law, for the true paiment of xl.li. of like mony to be paid vnto the said I.C. his executors or assigns, in maner and forme following: that is to say, at the feast &c. x.li. at the feast of &c. then next insuing x.li. and so from thencefoorth yerely, and euery yeare then next and immediatly following, at the feast of &c. x.li. of like mony, vntil the said xl.li. be fully satisfied and paid. That then &c.

A Condition to cause one to seale an Obligation.

THe Condition &c. That if the within bounden I.C. before the feast of N. next comming after the date hereof, cause W.C. &c. to be bound by his writing obligatorie sufficient in the law, and with his seale insealed, vnto the within named T. in xl. pound, of &c. to bee paied the x. day of A. &c. And also before the said feast, cause the said W. to deliuer the same Obligation for his deed vnto I.B. of Y. to the vse of the said T. That then &c. Sect. 141.

A Condition to release &c.

THe Condition &c. That if the within bounden B.C. do cause I.M. and E. his wife, before the feast of Easter next cõming at the costs and charges in the Law of the said B. by their sufficient deede in the law, to release, remit, and quite claime, to the within named C.D. &c. and their heirs, all their right, title, dower, and interest, which the said I.M. and E. his wife, or either of them, haue, had, or may haue, of, and in all such lands, tenements &c. That then &c. Sect. 142.

A condition to make a Iointure.

THe Condition &c. that if the within bounden W.R. &c. or his heirs at their owne proper costs and charges, before the feast of T. next after the date within written, make, or cause to be made vnto A.B. &c. Sect. 143.

a good, sure, sufficient, and lawful estate in the law, of, and in all and singular those lands, tenements, &c. with the appurtenances in the city of L. of the yerely value of x.li. &c. over and above all charges and reprises. To haue and to hold all the said lands and tenements with the appurtenances vnto the said A.B. &c. for terme of the life of M.G. to the vse of the same M.G. and to her assigns for terme of her life, the which M. by the grace of God, shall marrie and take to husband the said W.R. And also if the said W.R. after the said estate, of, and in the lands and tenements afore rehearsed, do suffer and cause to be done, all and every such thing and things, as shalbe aduised by the learned counsell of the said A. B. C. D. &c. their heirs and executors, to make the aforesaid estate sure to the above named A.B. to the vse of the same M. for terme of her life, bee it by recoueries, fines, feffements, release, confirmation, and deeds intolled with warranty, or without warranty, or any of them, or otherwise, That then &c.

A Condition to make an Estate.

Sect. 144. THe Condition &c. That if the within bounden C.W. or his heirs, within 16. daies &c. do make and deliuer, or cause to bee made and deliuered vnto the within named T.Y. and his heirs, a good, perfect, sure and lawfull estate in fee simple, of, and in three rods of free land in C. called R. to the only vse of the said T.Y. his heirs and assigns for euer. And also if the said W. or his assignes, shall not impaire any of the premisses, by felling of any wood or timber, or otherwise before or after the making of the said estate, That then &c.

A Condition to make a Iointure.

Sect. 145. THe Condition &c. That where the within bounden J.C. by the grace of God, shall marrie and take to wife T.E. daughter of the within named R.E. If therefore the said J.C. his heirs or assignes, within the terms of one yeare next after the date within written, doe conuey and assure, or cause &c. vnto the within named R.E. and M. E. or their heires, so much lands, tenements, and hereditaments lying in the county of M. as then at the assurance making, shall bee, and so continue to bee of the yearely value of &c. by yeare, ouer all charges and reprises. To haue and to hold the said landes, tenements, and hereditaments vnto the said R.E. and M.E. and their heires, to the vse of the said J.C. and T. and their heires for euer. And also if the said J.C. or his heires, within 6. yeares &c. shall purchase so much other lands and tenements, as shall amount to the value of 30. pounds of good &c.

and

and shall make the like comodiance and assurance of them to the said R. and N. and their heires, to the vse aforesaid, That then &c.

A Condition for further assurance.

THe Condition &c. That where the within bounden Wi. R. for and in consideration of a certaine summe of money to him paid by the within named R. C. hath bargained and sold vnto the said R. all that messuage &c. with thappurtenances, late &c. If R. C. of N. Mercer, and T. his wife, late daughter of the said R. N. and the heires of them, and euerie of them, within the space of &c. shall do and suffer, or cause to bee done and suffred, all and euery thing &c. whatsoeuer, which shalbe deuised, aduised, or required of the said Wi. his heires or executors, by y said R. C. his heirs or assigns, or the learned counsell of the said R. his heires or assigns, at the costs and charges in the law of the said R. his heirs or assigns, for the good and perfect conueying and assuring of all and singular the said messuages and premisses with thappurtenances, to be made sure and perfect to the said R. C. his heirs and assigns, to the only vse of the said R. his heirs and assigns for euer, be it by fine, settlement, deed, or Indenture, recouery with voucher or vouchers, confirmation, release with warranty, only against the said Wi. R. and his heirs, or by any other way or meanes whatsoeuer &c. And &c. (As in Conditions to saue harmeles.) That then &c. Sect. 146.

A Condition for making of a lease.

THe Condition &c. That if Sir I. C. knight, his heires or assignes, before the feast of saint Michael tharchangell next insuing the date hereof, cause or procure R. N. of &c. to surrender, cancell, and to make fruitrate, one Indenture of Lease to him made by the said Sir I. of 4. closes, lying &c. and of all other the grounds, tenements, and hereditaments, mentioned and expressed in the said Indenture of Lease. And moreouer, if the sayd Sir I. his heires or assignes, do before the &c. day of Octob. next insuing, make, seale, and deliuer vnto the aboue named R. C. his executors or assignes, one good and sufficient Lease by Indenture of the said 4. closes, and of all and singular other the lands, tenements, and hereditaments, contained in the said former Indenture of Lease, for the terme and space of 21. yeares, to begin and take effect from the feast &c. with a clause of reseruation of the yerely rent of 20. s. to be inserted in the said Indenture: The same Lease, grounds, closes, and premisses to be then discharged of all former leases, charges, bargaines, and incumbrances, had, made, or done by the said Sir I. his Sect. 147.

heires

heires and assignes. And lastly, if the said Sir I. his heirs and assignes, and every of them, doe from time to time, and at all times after the said feast of S. Michaell the archangell, within the time and space of fiue yeares next insuing the date hereof, execute, suffer, and make, or cause &c. all and every such further act and thing &c. That then &c.

A Condition to performe an Exchange.

Sect. 148. THe Condition &c. That where the aboue bounden H. B. hath giuen and graunted in exchange to the aboue named I. B. all those &c. all which are contained and certainely expressed in one Indentures of the date of these presents, made betweene the said H. B. &c. as by the same more at large it appeareth. If therefore the said H. B. doe not at any time hereafter disagree from the same exchange, nor doe not hereafter suffer to be done, any thing or act whereby the said exchange shall or may be made void or frustrate: And further, doe cause and procure all and euerie heire and heires apparant of the said H. being of the full age of &c. to ratifie, confirme, and make perfect for euer the said exchange within one &c. next after such heire or heires apparant shall accomplish the said age, That then &c.

A Condition to reinfeoffe.

Sect. 149. THe Condition &c. That whereas the within named H. A. by his deede of feoffement, hath giuen, granted, and confirmed, and deliuered vnto the aboue bounden E. M. all that manor, capitall messuage, tenements, and farme, called or knowen by the name of D. with all and singuler thappurtenances, and also all other the messuages, lands, tenements, and hereditaments whatsoeuer, which now be, or late were accepted, reputed, vsed, knowen, or letten, to, with, or as part, parcell, or member of the same manor, tenement, or farme, with the rents, reuersions, and seruices, to the same belonging or appertaining. And all these lands, tenements, and hereditaments, in H. in the said County of E. To haue and to hold to the same E. his heirs and assignes, as by the said deed of feoffement it may more plainly appeare, if the said E. or his heires, before the first day of &c. next insuing the date herof, shall make, or cause to be made, at the costs and charges in the law of the said H. A such sure and lawfull estate in fee simple, without condition or mortgage, to the onely vse of the said H. A. his heires or assignes, for euer of, and in the said manor, chiefe messuage, tenement, farme, and all other the premisses with their appurtenances, as is or shall be deuised or aduised by the said H. his heires or assignes, by the Counsell learned of any of them. And also if the said manor, and all other the premisses, and

every

euery part therof, at the time of the said estate and other assurance therof made, shall be clerely exonerated and discharged of all former bargaines, sales, charges, and incumbrances whatsoeuer, had, made, done, procured or suffred to be done by the said E.T. (the title of dower of S. the wife of the said E. only excepted.) And also if the said E.T. and S. now his wife, and all and euery other person and persons now hauing any right or title, in, or to the premisses, by, or from the said E.T. from time to time, and at all times hereafter, within the space of .v. yeres next insuing the date hereof, when and often as they, or any of them shall be thereunto reasonably required by the said H. his heirs or assigns, shall at the costs and charges in the law of the said H.A. his heirs or assigns, do, make, knowledge, and suffer to bee done, all and euery such act or acts, thing and things, for the more better and further assurance of the premisses to be had and made sure to the said A. his heirs, and assigns, as by the counsell learned of the said H.A. his heires, executors, or assignes, shalbe reasonably deuised or aduised, be it by fine, fessement, release with warranty, or otherwise. And also if the said E.T. shall for euer hereafter acquit, discharge and saue harelesse, aswell the said H.A. his heires and assigns, as the premisses, and euery part therof, for and concerning such interest, power, and title of dower, as the said S. now the wife of the said E. shall or may haue, in, or to the premisses, by or after the death of the said E.T. That then &c.

A Condition to grant an Annuitie

THe Condition &c. That if the within bounden W.B. and F.B. or one of them, or the heires, executors, administrators of any of them, on this side the feast &c. do duly and lawfully grant, conuey, and assure, or cause &c. vnto one C.H. of &c. and M. his wife, by good and sufficient assurance in the law, one yearely rent or annuity of x.li. by the yere, to be going and issuing out of the lands and tenements of the said W.B. and F.B. in C. &c. within the county of N. now being, and which hereafter for euer shal continue and be of the clere yerely value of xx.li. of &c. ouer all charges and reprises, of which said lands, and tenements the said W. and F. or one of them at the time of the said annuity graunting and assuring, shalbe lawfully by good, lawfull, and sure interest, and title, sole seised in their demesne, as of fee, to their owne vses, without any condition or limitation which may alter or determine the same: The said rent or annuitie to be paied vnto the said C.H. his wife, or to one of them, and to the longer liuer of either of them, at the feasts of &c. by euen portions. To haue, hold, receiue, and inioy the said annuitie or

Sect. 150.

annuall

annuall rent of &c. vnto the said C. and M. and their assignes, and to the longest liuer of them at the Feastes aforesaid, by euen portions yearely and euerie yeare during the naturall liues of the said C. and M. and the longer liuer of either of them. And also if the said W. and F. or one of them at the said assurance making, shall haue full power, right, and lawfull authoritie, to conuey and assure the said yearely rent or annuitie to be issuing out of the said landes and tenements aforesayde, vnto the said C. and M. his wife, and either of them, and the longer liuer of them. And also if the said W. and F. or one of them at the said granting and assurance of the said annuity, shal and will thereby charge the said Lands and Tenements with a sufficient clause of distresse, that if the said rent and annuity, or any part thereof, shall be at any time behind when it ought to be paied: That then it shall and may bee lawfull vnto the said C. and M. and euerie of them, and the longer liuer of either of them, to enter in and vpon the lands and tenements aforesaid, and there to distraine, and the distresse and distresses there so found, to take, leade, driue, chase, and cartie away, and with them and either of them, and the longer liuer of them, to withhold and detaine, vntill the said C. and M. and the longer liuer of them, shall bee of the said yearely annuitie of x li. and also of xl s. in the name of a paine for euery such default of paiment, together with the arrerages thereof, if any shall happen to be, fully satisfied and paid. And also if the said W. and F. or one of them at the said graunting and assuring of the said rent or annuity, as is aforesaid, shalbe and stand lawfully seised of the lands and tenemẽts, whereof the said rent or annuity shalbe so issuing or limited to issue, as is aforesaid, in their demesne as of fee to their owne vses, without any condition or limitation by gwd, lawfull, sure interest, and perfect right and title, discharged or saued harmeles for euer, of, and from all maner charges and incumbrances, except the rents and seruices to be &c. and except the said rent or annuity. That then &c.

A Condition to surrender Customarie lands.

Sect. 151. THe Condition &c. is such, That where the within bounden I. R. hath bargained and sold to the within named T. M. all that his meals with the edifices, and foure acres and a halfe of arrable land &c. with all their appurtenances &c. To haue and to hold the said tenements and premisses, to the said T. and to his heires, at the will of the Lord and Lords of the Manor whereof the same bin holden, after the customs of the said manor or manors whereof they be parcel, if the same I. R. at the next Court or Courts to bee holden at the same Manour or

or mannors, do surrender and yeld into the hand of the Lord or Lords of the said mannor for the time being, all his right &c. to the vse of the said T. and his heirs, in such wise, as the same T. or his heires shall and may be admitted tenants of the same, to hold the same to them and to their heires, at the will of the Lords aforesaid, after the custome of the said manors. And also if the said I. or his heirs, shall at all times hereafter discharge the premisses of all former bargaines, sales, ioyntures, dowries, rents, fines, forfaitures, paines, and amerciaments, and other charges, had, done, caused, or made, at any time or times before the said surrender, That then &c.

¶ *A Condition to make a Boat.*

THe Condition &c. That if the aboue bounden I. Y. and I. B. their executors or assignes, or any of them, do, shall, and will well and truely worke and make, or cause to bee well and truely wrought and made, at the onely proper costs and charges of the said I. and I. their executors or assignes, one good, sufficient, and perfect Boat called a Catch, to, and for the onely proper vse and behoofe of the aboue named S. S. And the same Boat or Catch, do, and shall worke and make in greatnes and godnes, both in lengthy, and breadeth, and burthen, like vnto a certaine boat called a Catch of A. Y. now already made and wrought. And the said boat or Catch do and shall make broader in the bottome of the same, then the said boat or catch of the said A. Y. now is by the quantitie of one hand breadth, and do and shall worke and make the same of good substantial, and seasonable timber wood, and all other stuffe requisite and necessarie for the making thereof, and of so good workmanship in all points and properties, and to all purposes and intents, as the said boat or catch of the said A. Y. now is made & wrought of, without all couin, fraud, and disceit. And the said boat or catch, well, sufficiently, and perfectly wrought and made, as is aforesaid, do & shall well and truely deliuer, or cause to be deliuered before the xv. day of I. &c. at Y. in the said county of K. to the said S. S. his executors or assignes without further delay: So that the said S. S. his executors or assignes, or any of them, do, at and vpon the deliuerie of the said Boat or catch, well and perfectly wrought and made, as is aforesaid, content and pay, or cause to be tōtented and paid to the said I. Y. and I. B. their executors &c. the iust and whole summe of vi.li. &c. That then &c. Sect. 152.

¶ *A Condition to make an estate of lands by Fine.*

THe Condition &c. That where the aboue bounden W. Y. hath receiued of the within named R. L. the summe of &c. if the sayd Sect. 153.

W. Y.

W. P. and P. his wife, in consideration of the said summe of &c. before the feast of &c. do make a sufficeint and lawfull estate in the law in fee simple by fine in due form of law, to be levied at the costs and charges of the said R. L. to I. L and W. L. of , and in the lands and tenements in P. in the Countie of N. being of the inheritance of the said P. and of the yearely value of &c. to the intent that the said I. L. and W. L. shall by the same fine, grant and render againe the same lands and tenemẽts to the said W. P. and P. during their lines, without impeachment of wast, the remainder after the decease of the said W. and P. to E. the wife of the said R. L. and daughter of the said W. and P. for terme of her life and after the decease of the said E. the remainder to the said R. L. and to the heires &c. And also if the said W. P. before the said feast of &c. make a lawfull grant to the said R. L. of all his whole terme and interest for yeares, which the said W. P. hath of the demise and lease of our Soueraigne Lord the king, in the west grange, lately belonging to &c. That then &c.

A Condition to make reparations and fences.

Sect. 154. THe Condition &c. That where the aboue named L. Y. hath and holdeth, or hereafter shall haue and hold one mesuage, rr. acres of arrable land, and one acre of meadow, in L. and S. in the Countie of E. for certaine yeares yet induring, for a certaine yearely rent, the remainder or reuersion thereof belonging vnto the said W. B. and A. his wife, and the heires of the said W. B. as by a certaine fine knowledged before Sir E. A. knight, Lord chiefe Iustice of the common Pleas at Westm. and other the Queenes Maiesties Iustices of the same bench, of the same premisses, for that purpose, in the same terme of S. Trinitie last past, vpon graunt and render, plainly appeareth. If therefore the said L. Y. his executors, administrators, or assignes and euery of them, at his and their owne proper costes and charges, shall at all times hereafter during the continuance of the said terme of yeares, in the said fine expressed, well and sufficiently make, repaire, sustaine, maintaine, and vphold, all the houses, edifices, walles, pales, hedges, fences, ditches, and watercourses, and buyldings, in, and vpon, and about the demised premisses. And in the end of the same terme leaue the said houses and buildings so sufficiently repaired, sustayned, maintained and vpholden, and the ditches, watercourses, hedges, and fences, well and sufficiently amended, scoured, and made. And also if the said L. Y. his executors, administrators, or assignes, and euerie of them, shall during the terme aforesaid, pay and beare all subsidies,

outrents,

outrents, tares, and all other charges whatsoeuer, issuing out, of, or from the premisses, or any part thereof, and thereof discharge and saue harmeless the said W.G. and his wife, and the heires of the said W. That then &c.

A Condition for the warranty of Woad, or other like thing.

THe Condition &c. That where the within bounden F. hath bar- Sect. 155.
gained and sold, and deliuered to the within named R. one thousād Bales of Tholouse woad, of the markes of foure knotes euery bale, and hath promised and warranted vnto the same R. that euery set of the same woad shall make, when it is set and proued, foure pound &c. if it be so that euery set of the same woad when it is set and proued, make the said warranty of 4.li. sterling &c. Or if any set of the foresaid woad (reckoning three hundred for a set) make not when it is set and proued the said warrant of 4.li. sterling. And then if the foresaid F. from time to time, vpon due knowledge thereof to him made and giuen by the foresaid R. or by his assignes, do well and truly deliuer, or cause to be deliuered to the said R. or to his certain attorney, or to his executors, at the Bridge foot in the city of L. as much Tholouse woad of the goodnesse and warranty aforesaid, after 16.s. sterling for euery such hundred weight thereof, as shall lacke in any set of the foresaid warranty of 4.li. sterling, That then &c.

A Condition to warrant the sale of a ship.

THe Condition &c. that where the within bounden A.B. sold vnto Sect. 156.
the within named C.D. a certaine ship called the H. of C. and all maner of battell instruments, furnishments, and apparell of the same ship with thappurtenances, for a certaine sum of mony betweene them accorded, as in a bill of sale thereof made plainly doth appeare, if the said C.D. well and peaceably may haue, hold, inioy, and possesse to him, his heires and assigns, all the said ship, battell instruments, apparell, and appurtenances aforesaid, without contradiction, let, or disturbance of any person or persons, by reason of any lawfull claime or interest in the same, before the date of these presents had or made, according to the tenor and effect of the said bill, That then &c.

A condition to inioy lands quietly.

THe Condition &c. That if the within named A. may haue, hold, and Sect. 157.
peaceably possesse to him and to his heires and assigns, for euer, all those fiue messuages with the appurtenances, which sometime were the within bounden W.H. without any disturbance, let, interruption,

eniction,

euiction, expulsion, impleading, molesting, veration or griefe, either of or by the said C. his heires, or any other person or persons whatsoeuer, hauing or pretending any maner right, title, vse, claime, or interest, of and in the sayd fiue messuages, or any part or parcell of the same. That then &c.

¶ *A Condition peaceably to enioy Corne or grasse.*

Sect. 158. THe condition &c. That where the within bounden R. C. by his writing indented, bearing date the day of the date hereof, amongst other things hath bargained and sold vnto the within named I. C. all his Barley growing vpon xx. acres of land, parcell of the Manour late of C. And the Peaseand Fitches growing vpon &c. parcell of the said manor, and the grasse growing vpon all the meadow grounds belonging to the said manor, and the hempe growing vpon two hempe landes parcell of the said manor, containing by &c. as by the said writing indented more euidently appeareth. If the said I. C. his executors and assignes, shall or may peaceably and quietly sell, carrie away, haue, hold and enioy, to him, his executors and assignes for euer, all the said corne, grasse, and hempe, without any lawfull let, interruption, disturbance, trouble, or veration of any person or persons, That then &c.

¶ *A Condition peaceably to enioy lands.*

Sect. 159. THe Condition &c. That where the within bounden T. S. and M. his wife, by their deede of feoffement indented, bearing date &c. haue executed and made an estate vnto the within named W. F. and E. his wife, of a certaine tenement, and the moitie of a well in P. in the &c. as by the same deed it doth and may appeare, if the said W. and E. and the heirs and assignes of the said W. shall and may for euer hereafter, haue, hold, and enioy all & singular the premisses, and euery part thereof, according to the tenor, forme, and effect of the same deede indented, discharged, or otherwise saued harmeles for euer, of and from all manner of charges, troubles and incumbrances, had, made, done, or suffered by the said T. and M. or either of them, the rent and seruices from thencefoorth to bee due or payable for the premisses, or any part thereof, to the chiefe Lord or Lords &c.

¶ *A Condition to suffer one to enioy lands recouered.*

Sect. 160. THe Condition &c. That if the within bounden Sir W. P. his executors, administrators, and assignes, and euery of them, do permit and suffer the within named S. P. his heirs, executors, administrators, farmers,

farmers, tenants, and assignes, and euery of them, peaceably and quietly to haue, hold, occupie and enioy, without let, disturbance, veration or interruption of the said W. W. his ex. the manor of C. in the tenure and occupation of the said W. P. and which lately belonged to the Chantry, Prouestrie, or College of C. in the said county, and which one I. C. gentleman lately recouered, amongst other lands and tenements, by a writ of Entre sur disseisin en le Post against E. A. Clerke, late Prouost of the said Chantry, Prouostry, or College of C. aforesaid, according to the true meaning, effect, and intent of a paire of Indentures of award, indented and made betweene the right honorable Sr T. K. knight, and Sr E. D. K. bearing date &c. And also if the said W. P. do yearely for euer acquite and discharge the said W. P. and his heirs, of and from all such tenths as shall be payable and demaunded on the behalfe of our Soueraigne Lady and her successors, of, in, or for the said manor, lands, and tenements, That then &c.

A Condition to saue harmeles.

THe Condition of &c. that where the within bound W. D. hath bargained and sold to the within named I. M. all those his messuages, lands, tenements, and hereditaments, both freehold and copihold in P. L. C. and B. in the county of S. which W. D. deceased, father to the said W. or any other to his vse, were seised of, as by an Indenture made thereof bearing date &c. more plainely it both and may appeare, if the within bound D. his heires, executors, and assignes shall from henceforth, from time to time acquite, discharge or saue harmeles, as well the said lands, tenements, and hereditaments and euery parcell thereof, both freehold and copyhold, as also the said I. M. his heires and assignes, against I. the late wife of the said W. D. deceased, and against all other persons, of, and for the dower, title, estate and interest of dower, which the said I. the late wife of the said W. D. deceased, hath or is intituled, or ought to haue, of, in, and to the said lands, and tenements, and all other the premisses, or any parcell thereof, That then &c. Sect. 161.

A Condition that lands be discharged.

THe Condition &c. That whereas the within bound L. D. by his deede indented, bearing date &c. hath made and executed an estate vnto the within named L. W. of and in foure tenements, with Sect. 162.

their appurtenances lying in &c. vnder certaine condition in the said deed expressed, as by the same deed at large doth and may appeare. If therefore the said foure tenements with all their appurtenances, at the time of the said estate and feoffement making, were clerely discharged of all former bargaines, sales, titles, dowers, ioyntures, statutes marchants, and of the staple, annuities, leases, and of all other troubles, charges and incumbrances, whatsoeuer they be: the said condition, and the rents and seruices to be due, and going out of the premisses to the chiefe Lord of the fee of the same onely except. And also if the said L.D. and E. now his wife, vpon the default of paiment of any summe or summes of money in the said deed of feoffement contained, shall make or cause to be made to the vse of the said L.W. his heirs and assigns, such further, good and sufficient assurance of and in the premisses, and euerie part and parcell thereof, as shall be from time to time further deuised or required by the said L.W. his heires or assignes, or by his or their learned counsell, at the costs and charges in the law of the said W.L. or his heires or assigns. That then &c.

A Condition to defend the title of lands lately recouered, and to pay costs expended about the same.

Sect. 163. The Condition &c. That where the within bounden S.W.W. and E.D. lately recouered the manor of E. and diuers other lands and tenements in E. aforesaid, by a common writ of Entre in the post against the above named E.T. and G.T. which recoueric was had to the vse of the said G.T. for terme of his life, without impeachment of waste, and after his decease to the vse of the above named E.T. for term of his life, if the said S.W.W. and E.D. their executors, administrators, and assignes, and euery of them, doe hereafter at their costes and charges in the law, lawfully defend the said E.T. and G.T. against all such persons as hereafter shall make any lawfull entrie, in, or to the said manors, lands, and tenements, or that shall commence any action, bill, or plaint against the said E.T. and G. their tenants, farmers or seruats concerning the occupation, title, or interest of the said E. and also of the said S.W.W. and E.D. their executors and assigns, do hereafter truly content and pay to the said E. and G. their executors and assigns, all such lawfull costs and charges as they hereafter shall happen to bestow and spend, in, and about the defence of their interest and title, which they haue in, and to the said manors, lands, and tenements, That then &c.

A Condition to pay Money for Mariage.

THe Condition &c. That if the within bound E.H.T.H. and W. A. or one of them, their heires, &c. or any of them, do well and truely content and pay, or cause to be contented and paid to the Receiuer generall of the M. Maiesties Court of Wards and Liueries, or to his lawfull deputie for the time being, to her highnes vse, at all feasts of &c. which shall be in the yeare of our Lord God &c. the summe of &c. in part of payment, of &c. for the fine of the licence of mariage of E. H. late wife of T. H. Esquire deceased, That then &c. Sect. 164.

A Condition to bequeath goods to a Wife.

THe Condition &c. That if the within bound W.C. shall giue, bequeath, and appoint, by his last Will and Testament, vnto A.S. whom the said W.C. intendeth to take to wife, if it please God to spare him life, so much of his proper goods and cattels as shall extend and be worth one C. Markes. And that the said A. and her executors after the decease of the said W.C. shall and may quietly haue and, inioy, and possesse the same goods and cattels, according to the same last Will and Testament, without let or interruption of the executors or administrators of the said W.C. or of any other person or persons, That then &c. Sect. 165.

A Condition to get the assent of the Counsell of the Court of Wards, to let certaine lands.

THe Condition of &c. That whereas the same I.B. by vertue of a Lease to him made out of the Court of Wards and Liueries, vnder the Seale of the same court, is at this present time possessour, for, and during the Minoritie of T.H. the Queenes Maiesties ward, of, and in one great, large, and capitall mease, farme, or tenement in W. aforesaid, and of diuers pastures, closes, lands, and tenements in W. aforesaid, of the yearely rent of &c. of the inheritance of the said T.H. whose committie thereof I.W. now is, In which Lease there is a Proviso or a condition, that he the said I.B. shall, ne may, without the speciall licence of the Counsell of the said Court of Wards and Liueries, alien, bargaine, or sell his said interest and terme, of, and in the said premisses, to any person or persons, vnder paine of forfeiture of the sayd interest: If therefore the said I.B. at, or before the day of &c. next insuing the date abone written, do procure and lawfully get and obtaine the good wils and assents of the Counsell of the said court of Wards and Liueries, for to alien, giue, and graunt his said interest and estate Sect. 166.

of, in, and to the said capitall messe and premisses to the said I. Wl. and his assignes, and at, or before the same day &c. assure and lawfully convey the same his interest and estate, of, and in the said premisses, together with the deed of the lease thereof to the said I. Wl. and to his vse, discharged, of, and from all former bargaines, sales, charges, and incumbrances whatsoever, by him the said I. B. or by his consent or means done, suffered, or procured, and also, at, or before the said day of &c. deliver or cause to be delivered to the vse of the said I. Wl. his executors or assignes, the said deed or Indenture of the said Lease, That then &c.

A Condition for the occupying of two Boates, and certaine Nets.

Sect. 167. THe Condition &c. That where the within bound H. H. and the within named I. Wl. are proper owners of one Boat called the A. of the burthen or weight of six Tunne, or thereabouts, with sailes, tacklings, cables, and ankers, and other apparell and furniture to the same boat belonging, and also of trij. Herring nets, and Mackrel nets: And whereas also the said H. and I. are likewise owners of three parts of an other Boat in foure divided called the M. of the burthen of an C. tun, with the three parts of all manner of sailes, tacklings, cables, and ankers, and all other furniture and apparell to the same boat called the M. belonging &c. And whereas also the said I. Wl. is proper owner of one Net called a set net, with two ankers, and other necessaries thereunto belonging, which boats and nets, by the consent of both the sayd owners, are put to the vse of the said H. H. for the affaires and voyages of fishing, called Herring faire, and Mackrell faire, to be made from time to time, aswell for the benefit and commoditie of the said I. as for the commoditie of the said HH. Now if the said H. H. his executors, &c. doe at all times hereafter without fraud or guile make a iust accompt, and true and perfect reckoning, to the said I. his executors, &c. of, for, and concerning the benefits, profits, and commodities of everie voyage called herring and mackrell faire, from time to time, when hee shall be hereunto lawfully required, and doe yeeld and pay vnto the said I. his executors &c. the moitie of every such profits and commodities had and made of every such voyages without fraud or collusion, and shall be answerable to the said I. his executors, &c. for the moitie of the said Boats, Nets, and apparell, when he shal be thereunto lawfully required: Except alwaies the misfortune, and casualties of the Sea to be at the aduentures of the said I. That then &c.

A Condi-

A Condition to purchase and sell.

THe Condition &c. That if the within bounden S. C. at any time hereafter doe buy or purchase to him and his heires for euer, the manno; of C. with the appurtenances in F. within written, then if the said C. at the request of the within named I. D. bargaine and sell, giue, graunt, and lawfully assure to the within named I. and to his heirs for euer, one parcell of land containing by estimation iij. acres, parcell of the said manno;, for so much money, and as good cheape as the said C. doth buy the same parcell of three acres, after the rate of the purchase of the said whole manno; and not other wise, so that the money be paied to the said C. at the time of the said bargaine or estate thereof to bee made without any fraud or deceit, That then &c. Sect. 168.

A Condition not to purchase an appeale.

THe Condition &c. That if the aboue bounden A. W. nor any for her or in her name, to her knowledge, or by her meanes, aduice, consent or procurement, do from henceforth willingly commence, prefer, prosecute or follow any indictment, appeale, or any other action or suit, neither voluntarily giue, or procure to be giuen any euidence or proofe against &c. nor against any of them, for or cõcerning the death or killing of W. W. late husband to the said A. W. nor willingly do or cause to bee done any act or thing whatsoeuer, for the further suing or inditing of &c. for or concerning the death or killing of the said W. W. That then &c. Sect. 169.

A Condition not to prosecute any action in the spirituall Court.

THe Condition &c. That where heretofore there hath bin proceste procured by the aboue bounden T. T. forth of the Queenes Maiesties ecclesiasticall Court at Yorke, against Agnes then called by the name of A. W. whom the aboue named G. W. hath now espoused and taken to his wife, vpon pretence of a precontract surmised by the said T. S. to be made betweene him the said T. and the said Agnes. If therefore the said T. S. nor any for him or in his name, by his meanes or procurement, do from henceforth prosecute and follow, or cause to be prosecuted and followed the said suit against the sayde A. nor against any other person or persons that heretofore haue had any dealing in the said suit or matter on the part and behalfe of the said A. nor doe at any time hereafter procure or commence, nor cause to bee procured or commenced any other suit or proceste forth of the same Sect. 170.

same Ecclesiasticall Court, or any Court having authoritie to hold plea thereof against the said G.W. and A. now his wife, or against any other person or persons, that haue trauelled or dealt in that cause against the sayde T.S. or that haue trauelled on the behalfe of the said A. And moreouer if the said T.S. at all times hereafter within one yeare next insuing the date thereof, do and suffer to be done all and euery such act and acte, thing and things, as hereafter shall be deuised or aduised by the counsell the said G. and A. for the cleere and vtter determination and discharge of all such pretended right, or claim, as the said T.S. hath, might, or may haue challenge or make against the said A. by vertue or colour of any precontract or promise betweene him the said T. and the said A. surmised or pretended, or by reason of any other matter whatsoeuer heretofore had or mooued betweene the said T.S. and the said A. at the costs and charges in the law of the said G.W. That then &c.

A Condition to performe Couenants.

Sect. 171. THe Condition &c. That if the within bounden T.F. &c. doe well and truly hold, performe, obserue, fulfill and keepe all and singuler couenaunts, graunts, articles, payments, promises, and agreements, which on the part and behalfe of the said T.F. his heires, executours, &c. or any of them are to bee holden, performed, obserued, fulfilled, and kept, contained, written, declared and specified in one paire of Indentures bearing date &c. made betweene the said T.F. of the one partie, and the within named S.T. on the other partie, according to the tenor, purport, true intent and meaning of the said Indentures, That then &c.

To performe an award.

Sect. 172. THe Condition &c. That if the aboue bounden E.L. his executors, and administrators, and euerie of them, for his and their part and behalfe, in all things doe well and truely stand to, obey, performe, fulfill and keepe the award, arbitrement, order, rule, doome and iudgement A.C. A.P. H.M. and R.S. arbitratours indifferently chosen as well on the part of the said E.L. on the one party, as on the part of the aboue named A.I. on the other partie, to arbitrate, award, order, and iudge of, and vpon all, and all maner of actions, suites, debts, accompts, trespasses, controuersies and demaundes, what-

whatsoeuer, had moued, or depending, or which might haue beene had or moued betweene the same parties, at any time before the date aboue written: So alwayes as the same Arbitrators do make their award and iudgements, of, and concerning the premisses, by writing indented vnder all their hands and seales, on this side the twentieth day of June next comming, and one part of the said writing indented vnder all their hands and seals, and the same deliuer, or cause to be deliuered to the said E.L. or his assignes, requiring the same, vpon the same twentieth day of June next comming, at the now dwelling house of the said A.P. set and being in Eastcheape in London, betweene the howers of 4. and 5. of the clocke in the after noone of the same day. And also if the said E. L. doe not discharge the said Arbitrators, nor any of them in the meane time, That then &c.

A Condition to performe an Award of lands, and to shew Euidences.

THe Condition &c. That if the within bounden H.I. and I.M. do stand to, obey, performe, keepe, and fulfill the award, arbitrement, ordinance, rule, and iudgement, of B.W. &c. and D.M. arbitrers indifferently named, elected, and chosen, aswell on the part of the within named R. as on the part of the said H.I. to arbitrate, ordeine, and deeme aswell of, and vpon the right, title, interest, vse, and possession of a garden, lying &c. as of, and vpon all actions, trespasses, quarrels, suits, debates, debts, demands, and all other grieues, and inconueniences, had, moued, stirred, or depending betweene the said parties concerning the same garden. And also the said H.I. before the feast of Easter next comming &c. shew vnto the said Arbitrers allsuch writings as he hath in his possession concerning their right, title, vse, interest, or possession of the foresaid garden, in such wise that the said arbitrers be not delayed to make an arbitrement, of, and in the premisses for want of the sight of the said writings and euidences: So alwayes that &c. That then &c. Sect. 173.

A Condition that a Prentice shall not waste his Masters goods.

THe Condition &c. That where one I.S. the sonne of the within bounden A.S. by his writing indented, bearing date the day of the date of this present obligation, hath put himself apprentice to the within named R.E. to the craft of a Cutler, from the feast of S. Michaell Sect. 174.

the Archangell laſt paſt, vntill the end of the terme of ſeuen yeares from thence next following, as by the ſame Indentures more plainely appeareth. If the ſaid I. S. ſhall at any time during the ſayd terme, willingly or negligently caſt away, conſume, or waſt any of the goods or cattels of the ſaid R. E. then if the ſaid I. S. his executors or adminiſtrators, vpon a lawfull proofe made of the caſting away, conſuming, or waſting of the ſaid goods or chattels, ſhall content and pay, or cauſe to be contented and paid to the ſaid E. R. his executors or adminiſtrators, the value of all ſuch goods and cattels, as ſhall ſo fortune to be caſt away, waſted, or conſumed, from time to time, vpon the ſaid lawfull proofe made of the ſame, during the ſaid terme. Prouided alway, that the ſaid I. his executors or adminiſtrators, ſhall not be chargeable or compellable by this Obligation to pay, ſatiſfie, or recompence vnto the ſaid R. E. his executors or adminiſtrators aboue the ſumme of fortie Markes, That then &c.

A Condition for a Seruant, or Apprentice.

Sect. 173. The Condition &c. That where the within named I. L. before the ſealing and deliuerie of this Obligation hath hired and retained the within bounden W. D. to ſerue the ſaid I. from the day of the date hereof, for, and during the terme of three whole yeares thence next inſuing. If therefore the ſaid W. D. from the day of the date hereof, ſhall dwell, tarrie, ſerue, and abide, to and with the ſaid I. his executors and aſſignes, vnto the full end and terme of three whole yeares now next inſuing and fully to be ended. And alſo ſhall during the ſaid terme, well, faithfully, and obediently ſerue the ſaid I. his executors and aſſignes, in all ſuch workes, buſineſſe, and affaires, as the ſaid W. ſhall be put vnto, according to the power, wit, and abilitie of the ſaid W. D. without abſenting himſelfe either by day or by night, without licence of the ſaid I. his executors or aſſignes during the ſaid terme. And alſo if the ſaid W. ſhall not during the ſaid terme either waſt or conſume the goods and cattels of the ſame I. his executors or aſſignes, but ſhall behaue himſelfe honeſtly and obediently towards the ſaid I. his executors or aſſignes as a iuſt, faithfull, and honeſt ſeruant ought to doe during the ſaid terme, to all intents, reſpects, and purpoſes, That then &c.

A Condi-

A Condition not to disannull a Letter of attorney to receiue debts.

THe Condition &c. That where the aboue bounden R. B. hath Sect. 176.
made a Letter of attorney vnto the within named R. F. to receiue of R. C. of &c. and R. M. of &c. all and singular such summes of money as are due and owing vnto the said R. B. by and from the said R. C. and R. M. by their three seuerall writings obligatorie bearing date the &c. wherein the said R. and R. stand iointly and seuerally bound vnto the said R. B. and euery of them in the summe of &c. indorsed with condition in euery of them, for the payment of &c. as by the same letter of attorney, and writings obligatorie aforesaid, it doth appeare. If the said R. B. doe not at any time hereafter reuoke or disannull the said letter of attorney, nor make any letter of attorney, concerning any of the said writings obligatorie to any person or persons, other then to the said R. F. his executors or administrators. And also if there be such persons dwelling in the said Towne of M. as bee called and named by the names and additions of R. C. and R. M. and also if the said three seuerall writtings obligatorie, and euery of them bothe good, lawfull, sure, and sufficient deeds in the law of the said R. C. and R. M. and euery of them. And also if the said R. C. and R. M. their executors and administrators, and euery of them, now be, and shall continue and be sufficient in habilitie and substance to answere and satisfie the said debts and euerie of them, ouer and besides all other debts, which they or any of them now, or hereafter do or shall owe, or be charged with to any person or persons. And shall haue alwayes Assets in their owne hands, occupation, and possession, during and vntill such time as the said debts and euerie of them, or all such summes of money as are specified or contained in the Indorsements of euerie of the said writings obligatorie, shall be fully answered, satisfied, or payed vnto the said R. his executors or assignes. And also if the said R. B. his executors and administrators, shall and will at all times hereafter, at the costes and charges in the law of the said R. F. his executors or administrators, anowe, iustifie, and prosecute with effect to finall end, all and euery such action or actions, suits, and plaints, iudgements, and executions, as the said R. his executors &c. shall cause to be attempted, commenced, affirmed, pursued, awarded, or aduiudged, in the name of the said R. B. his executors or administrators, against the said R. C. and R. M. and either of them, or the heires, executors, or administrators of any of them, for the recouerie of any summe of

money,

money in the said writings obligatorie, or any of them, or in the indorcements of any of them contained, and shall not willingly be nonsuit, nor suffer any nonsuit to bee in the same action, actions, suits, plaints, iudgements, or executions, nor any of them, nor hath not heretofore done, nor hereafter shall doe, suffer, or make any act or acts, thing or things, release, or acquittance, whereby the said writings obligatorie, or any of them, or any summe of money in them, or any of them, or in the indorcement of any of them contained, or any of the said action or actions, suits, plaints, iudgements, executions, or any other benefit arising by reason of any the premisses, shall or may bee in any wise released, acquited, discharged, barred, defeated, or auoyded, without the consent and agreement of the said R. F. his executors or administrators. And also if the said R. hath not receiued any part of the summes of money in the said writings obligatorie, or any of them, or in the Indorcements of any of them contained. And also if the said R. B. his executors or administrators, shall and will permit and suffer the said R. F. his executors or administrators, to receiue and take the whole aduantage and benefit of the said writings obligatorie, and summes of money aforesaid, action, actions, suits, plaints, iudgements, and executions, and euery of them, to the onely vse of the said R. F. his executors and administrators. And also if the said R. B. shall at the like costes of the said R. F. his executors and administrators, or at the request of any of them, doe and suffer all and euery other and further act or acts, whereby the said R. F. his executors and administrators shall or may attaine vnto the said benefit and aduantage of the premisses. And also if the said R. B. his executors or administrators shall not at any time hereafter demaund any accompt to be yelded to him, or them, by the said R. F. his executors or administrators, for, or concerning the premisses, or any part thereof, That then &c.

A Condition not to disannull a Letter of attourney for lands.

Sect. 177. THe Condition &c. That where the within bounden I. B. and E. B. haue made a Letter of attourney vnto the within named W. C. to recouer all manner of lands and tenements whatsoeuer, which to the said I. B. and E. discended and came, or ought to haue discended and come, as heires of R. B. their late father deceased, as by the same Letter of attourney &c, if the said I. B. and E. B. or any of them shall not at any time hereafter reuoke or disannull the said letter of Attourney. And also if the said I. and E. or either of them, shall and will at

the

the costs and charges in the law of the said W. C. his executors, or administrators from time to time, and at all times hereafter, maie iustifie and prosecute with effect to finall end, all and euerie such quarrells and actions, suites and plaints, as the said W. his executors, or administrators, shall bring, attempt, or commence in any of her Maiesties Courts, in the names of the said J. E. and W. against any person or persons whatsoeuer, for the recouerie of any such the lands or tenements, as were the said N. W. And shall not willingly bee nonsuit or suffer any nonsuit or discontinuance or retrait to bee in the same action, actions, suites, or plaints, or any of them. And also if the said J. and E. or any of them shall not doe or willingly suffer to bee done any act or acts, thing or things whatsoeuer, whereby the title, right, or interest of the said J. and E. either of them, of, in, or to the said lands and tenements aforesaid, or any of them, or any action or actions, suit, or plaint, commenced or to bee commenced or attempted by the said W. against any person or persons in the name of the said J. E. and W. shall or may bee letted, hindred, discharged, annihilated, adnihilished, defeated or anoided, without the consent and agreement of the said W. his executors or administrators. And also if the said J. and E. and euery of them and their heires, shall and will after such recouery so had, as is aforesaid, at the reasonable request of the said W. or his heires, convey and assure to the onely vse of the said W. his heires and assignes, all their part and portion of the lands and tenements, so to be recouered, and all their right, title, and interest which the said J. and E. or either of them, or any of their heires shall then haue, or ought to haue, of and in the premisses or any part or parcell thereof, with Couenants of being discharged &c.

A Condition to performe a will.

THe Condition of this obligation is such, That where the within bounden J. W. shall (by the grace of God) marrie and take to wife K. A. of N. late the wife of E. R. deceased. And where also the said E. R. by his testament and last will named and ordained the said K. A. sole executrix of the same his testament and last will, and by the same hath giuen and bequeathed to A. x. li. &c. to bee paied &c. to F. R. xx. li. to be paied &c. if the said J. W. his executors or administrators shall well and truely pay to the said A. the summe of x. li. &c. at the sayd day &c. and to the said F. R. xx. li. &c. at the said day &c. And also if the said J. W. his executors or administrators shall fulfill and truly accomplish and

Sect. 178.

and performe the said testament and last will of the said T.R. and also truely satisfie, content and pay all legacies, gifts and bequests contained and specified in the same last will and testament, according to the tenor, purport and true meaning of the said testament, and last will. That then &c.

A condition to performe a will, and save harmeless the executors thereof.

Sect. 179. THe Condition &c. That where the within named T.L. hath authorised the within bounden D.F. to fulfill the testament and last will of one G.L. father to the said T.L. in Deede of the same T. and hath assigned all his right of executorship unto the said D.F. Now if the said D.F. doe performe the said testament and last will of the said T.L. deceased, and also doe acquit, discharge and save harmeles the said T.L. at all times hereafter against all and every person or persons whatsoever, of, for, or concerning all actions, suits, demands, legacies, and all debts hereafter to be brought against the said T.L. by reason of the said testament and last will of &c. That then &c.

A Condition not to meddle with Executorship.

Sect. 180. THe Condition of this obligation is such, that whereas the within bounden T.L. hath assigned and committed all his right of executorship of the testament and last will of S.I. late deceased, unto the within named R.R. and hath fully for her part authorised, licenced, and assigned the said R. onely to doe all and every thing and things by himselfe and his assignes concerning the execution of the said last will and testament. That therefore if the said S.T. shall not intermeddle with the administration of any part of the goods and cattels, money, debts, or plate of the said Testatour, without the consent of the said R. his heires or executors, but shall at all times hereafter, and from time to time permit and suffer the said R.R. his executors and assignes, to administer, all such goods, cattels, money, debts, and plate, as at the day of the making hereof beene in the custodie of the said R.R. to be administred, or in the hands or possession of any other person or persons, except such goods, cattels, money, and plate as beene in the possession and custody of the said T.T. of the said Testators, which is or ate to be administred, as shall bee thought good by the said T.T. And further if the said T.T. his heires, &c. doe not discharge any debt of the said Testators, without the

the conſent of the ſaid R.R. his executors, or adminiſtrators, nor any action which the ſaid R.R. or his executors, ſhall iuſtly attempt and bring againſt any perſon or perſons, to, or for the recouerie of any of the debts, goods, and cattels of the ſaid Teſtator, That then &c.

A Condition not to doe any act as Executor, without conſent of his Coexecutor.

THe Condition &c. That where one C.B. late of N. widow deceaſed, by her Teſtament and laſt will, named, ordained, and conſtituted the within bound Y.B. and the within named N.I. to be Executors of the ſame her Teſtament and laſt will, as by the ſame laſt will and teſtament amongſt other things appeareth, If the ſame Y.B. ſhal not at any time hereafter make, or cauſe to bee made, any releaſe, acquitance, or other diſcharge to any perſon or perſons, for, or concerning any of the debts, goods, or cattels, which were the ſaid C.B. the day of her deceaſe, nor ſhall doe, ſuffer, or cauſe to be done, or ſuffered to bee done, any other act or acts, thing or things, in, or about the execution of the ſaid Teſtament and laſt will of the ſaid C. without the aſſent, conſent, and agreement of the ſaid N.I. That then &c. Sect. 181.

A Condition not to ſell Lands, but to the Obligee for a ſumme certaine.

THe Condition &c. That if the within bound I. Y. the day of the date of theſe preſents be true and lawfull owner of a good, perfect, abſolute, and indefeaſible eſtate in fee ſimple, to his owne onely vſe, of, and in one tenement with the appurtenances in A. &c. and hath not at any time ſince the firſt day of October laſt paſt before the date hereof, bargained, alienes, ſold, or put away, nor ſhall at any time hereafter alien, ſell, or by any waies or meanes put away the ſayd tenements and premiſſes, or any part thereof, to any perſon or perſons, other then to the within named E.S. his heires or aſſignes: So that the ſaid E.S. his heires or aſſignes will content, ſatiſfie, or pay, or cauſe to bee contented, ſatiſfied, and payed, vnto the ſaid I.Y. the ſumme of xl. pounds, of &c. for ſuch good, perfect, and ſufficient aſſurance in the Law of an eſtate in fee, of, and in the ſaid tenements and premiſſes, and euerie part, and parcell thereof, to be conueyed from the ſaid I.Y. his heires and aſſignes, to the ſaid E.S. his heires and aſſignes for euer, diſcharged, of all manners of titles, charges, and incumbrances whatſoeuer, as ſhall be deuiſed, or aduiſed by the ſayd E.S. Sect. 182.

C.D. his heires or assignes, or by his or their learned Councell in the law, That then &c.

A Condition that a mans Wife shall claime no Dower, but release vpon request.

Sect. 183. THe Condition &c. That where the within bound W.A. hath bargained and sold to the within named L.P. all those his lands and tenements, aswell freehold as copyhold, in S. in the countie of N. if the said L.P. his heires and assignes, shall or may at all times hereafter, haue, hold, occupie, and inioy as much of the premisses as be freehold, without let or interruption of P. now wife of the said W. or her assignes, by reason of any interest or title of Dower, that she the said P. may fortune hereafter to claime, of, or in the same premisses being freehold, if she shall happen to survive the said W.A. her husband. And further, if the same L.P. shall be minded at any time within the space of one yeare next comming after the date hereof to haue the said P. to release all her right, title, and interest, of, and in as much of the premisses as be freehold, then if she the said P. vpon a reasonable request to her thereof made by the said W.A. his heires or assignes, shall lawfully release all the right and title, of, and in the same premisses, to the vse of the said L.P. his heires and assignes, at the onely costs and charges in the law of the said L. his heires and assignes. And also if the said P. at the next Court or Courts which shall be holden for the manno[r] or manors, whereof the copyhold premisses beene holden (hauing of the same courts so to be holden reasonable knowledge, notice, or warning to her giuen by the said L.P. his heires &c.) shall lawfully surrender and release all her right, title, and interest, of, and in the same copyhold premisses, to the vse of the said S. P. his heires and assignes, the same premisses then being clearely discharged, or otherwise from time to time sufficiently saued harmelesse, of, and from all former bargaines, sales, titles, fines, amerciaments, issues, forfeitures, and other charges and incumbrances whatsoeuer they be, had, made, done, or charged by the said W.A. or by any other person or persons by his assent or commaundement, (the fine or fines for the taking of the premisses being Copihold or customarie tenure by the said L. his heires or assignes, and the rents & services frō thencefoorth to be due to the Lord or Lords of whom the same premisses beene holden onely excepted.) That then &c.

A Con-

A Condition that an estate is good, and that the wife shall claime no dower.

THe Condition &c. That where the within bound R. S. by his deed of feoffement, bearing date the day of the date of this present obligation, hath made and executed an estate in fee simple, to the within named T. H. and his heires, of, and in the tenement &c. and which did descend to the said R. S. as sonne and heire of L. C. his father deceased, as by the same deed of feoffement more plainely appeareth. If the said estate bee good, lawfull, perfect, and sure to the said T. H. and his heires, according to the tenor and effect of the said deede of feoffement. And also, if the said tenement at this time be clerely discharged of all former bargaines, sales, titles, interests, statutes, recognisances, rent charges, arrerages of rents, and all other troubles, charges, and incumbrances whatsoeuer they be, (except the rents and seruices thereof, to the Lords of the fees of the same, from thencefoorth to be due.) And if it shall fortune the said A. S. now wife of the same R. S. to suruiue the said R. then if neither the same A. nor any other person or persons, for her, or in her name, shall trouble, vexe, nor sue the said T. H. his heires, executors, nor assignes, nor the owners or possessors of the said tenement &c. or of any part thereof, for her dower, of, or in the same premisses, or for any other title or demand, in, or to the same, or any part thereof, that then &c. Sect. 184.

A Condition not to be suretie.

THe Condition &c. That where the within bound E. D. hath heretofore many times entred into bonds, and become surety for diuers persons, for the paiment of diuers sums of mony, as well by writing as without writing, so that thereby the said E. D. hath bin like to fall into decay & pouertie: for the auoiding whereof the said E. D. by the aduisement of diuers of his friends, hath thought it good to bind himselfe in the penaltie of a C. li. to the within named W. L. to the intent clerely to abstaine and refraine himselfe from the aforesaid suretiship. If therefore the said E. D. shall at any time or times hereafter giue his promise, or become bound, or stand as surety by any kind of meanes, without the consent and agreement of the said W. for any person or persons whatsoeuer, for or aboue the summe of xl. s. at any one time, except it be for one R. D. of N. That then &c. Sect. 185.

A

A Condition not to play at Dice.

Sect. 186. THe Condition &c. That where the within bound I. B. hath heretofore accuſtomed, frequented, and vſed to play at the dice, cards and tables, to his great hinderance and loſſe, ſo that by exerciſe, vſe, and accuſtomable playing at thoſe vnlawfull games, the ſaid I. B. hath bin like to fall and come into extreme pouertie and other daungers: for the auoiding of which ſaid euils, the ſaid I. B. through the aduertiſement of his friends, hath agreed to be bound in the ſumme of xl. li. within written, to abſtaine and cleerly to abſent himſelfe from the playes and games of them and euery of them, for and during the terme of ſeuen yeares &c. If therefore the ſaid I. B. ſhall not at any time or times hereafter, priuily or openly, during the ſpace of ſeuen yeares next enſuing the date hereof, play at any of the ſaid vnlawful games of dice or cards, and tables, nor any of them, with any maner of perſon or perſons, for any ſum or ſummes of mony, or any other goods or chattels (liberty for playing at cards for the ſpace of eight daies yearely, next after the feaſt of the birth of our Lord God, commonly called Chriſtmas, during the ſaid ſeuen yeares onely excepted) That then &c.

A Condition to pay money, or ſaue harmeleſſe of a Recogniſance.

Sect. 187. THe Condition &c. That whereas the aboue named I. B. at the requeſt and inſtant deſire, and for the debt of the aboue bound I. A. together with him, and one I. C. by one Recogniſance of the date aboue written, knowledged in the Quenes Maieſties high court of Chancery, ſtandeth bound vnto A. M. in one hundred pounds, with a condition for the payment of fiftie pound of &c. vpon the laſt day of June next enſuing the date aboue writtē, if the ſaid A. M. and A. her daughter, or either of them ſhall be then liuing, at the new dwelling houſe of R. B. notaries, at the Royall Exchange in London, as by the ſaid Recogniſance more at large may appeare. If therefore the ſaid I. A. his heires &c. doe content &c. to the ſaid A. or A. their executors or aſſignes, the ſaid ſum of fiftie pound, of &c. vpon the ſaid laſt day of June next enſuing, at the place aforeſaid (if the ſaid A. or A. or either of them ſhall be then liuing) in full diſcharge of the ſaid recited Recogniſance, that then this preſent Recogniſance &c.

A Condition to ſaue harmeleſſe of a Bond.

Sect. 188. THe Condition &c. That whereas the within named G. C. at the inſtance and ſpeciall requeſt of the within bound W. C. together with

with the same W. and for ỹ debt of the same W. by a certain writing obligatorie, bearing date &c. and standeth iointly and seuerally bound vnto one I. D. of &c. in the sum of xxx. li. with condition therupon indorsed for the payment of xxty. li. of lawfull money of England, at &c. as by the same writing obligatorie, and the indorsement thereof more plainly appeareth, If therefore the said W. C. his heires &c. shall at all times hereafter, and from time to time, clerely acquit, discharge, or sufficiently saue harmles the said R. C. his heires executors and administrators, and euery of them against the said I. D. his heires, executors, administrators, and euery of them, of, for and concerning the said writing obligatorie, and the condition thereof, and euery sum and summes of mony in the same writing obligatory, and the indorsement thereof contained. And also if the said W. C. his heires, executors, or assignes, or one of them, shall within x. dayes next insuing after the said feast of S. I. the Apostle, deliuer or cause to bee deliuered vnto the hands of the said C. his heires &c. the said writing obligatory cancelled, or else some lawfull and sufficient acquitance, or other discharge of and concerning the same, That then &c.

A Condition to saue harmeleſſe of a bond for the peace.

Sect. 189

THe Condition &c. That whereas the within named W. B. at the instance, and speciall request of the within bounden G. D. together with the same G. D. and other, standeth iointly and seuerally bound for the sayd G. D. to our Soueraigne Lady the Queenes Maiestie that now is, in the summe of xx. li. of &c. with condition that if the said G. D. doe obserue and keepe the peace of our sayd Soueraigne Ladie, against all her liege people, and spetially against one C. C. vntill the feast of C. next comming after the date hereof, as by the same recognisance appeareth, if therefore the said G. D. his executors and administrators or any of them, doe at all and euery time and times hereafter and from time to time clerely exonerate, acquite, discharge or otherwise sufficiently saue and keepe harmeles by all wayes and meanes whatsoeuer, aswell the sayd W. B. his executors and administrators and euery of them, as all and singuler the lands, tenements, goods, and chatels of the said W. B. his executors and administrators and euery of them against our said soueraign Lady the Quene her heirs and successors by reason of the said Recognisance, and without any veration, trouble or molestation of the said W. B. his executors or administrators or any of them, That then &c.

A Condition to saue harmeleſſe a ſurety in the Guild-hall.

Sect. 190. THe Condition &c. That where one T. Y. &c. hath brought and commenced an action of debt of 5. li. againſt the within bounden I. W. in the Queenes Maieſties Court of the Guild-hall of the city of L. before Y. R. and R. Y. Shiriffes of the ſame city, in and to which plaint the within bounde I. C. and R. C. at the requeſt of the ſaid I. W. are become pledges and ſureties for the ſaid I. W. to anſwere vnto the ſaid T. Y. in the ſame plaint. If therefore the ſaid I. W. his heires executors or aſſigns, do at all times hereafter, and from time to time, clearly exonerate, acquite, diſcharge or ſaue harmeleſſe the ſaid I. C. and R. C. their heirs, executors, and adminiſtrators, and euery of them againſt the ſaid T. Y. his heires, executors, and adminiſtrators, and all and euery other perſon and perſons whatſoeuer, of and for the ſaid action, and all things concerning the ſame, That then &c.

A Condition to diſcharge his bailes in the Kings Bench.

Sect. 191 THe Condition &c. That where the aboue named Y. C. and one R. Y. in their proper perſons haue vndertaken for the aboue bounden C. F. by a Recogniſance or mainprize taken and knowledged before the Iuſtices of the Kings Bench at Weſtminſter, that if it happen the ſaid C. F. to bee condemned in any action at the ſuit of T. B. Eſquire that then the ſaid R. Y. and Y. C. did grant all coſtes and damages, and executions, which ſhould be adiudged to the ſaid T. B. in that behalfe, ſhould be leuied to the vſe of the ſaid T. B. of the lands and cattels of the ſaid R. Y. and Y. C. if ſo be it that the ſaid C. F. doe not pay the ſame damages himſelfe to the ſaid T. B. or reſtore and yeld himſelfe againe by meanes thereof to the priſon of the Marſhall of the Marſhalſey, if the ſaid C. F. his heirs &c. and euery of them at all times hereafter from time to time, doe well and truely acquite, diſcharge or ſaue harmeleſſe the ſaid Y. C. and R. Y. their heires &c. and euery of them againſt the ſaid T. B. his &c. of, and for the breach and forfaiture of the ſaid Recogniſance and mainprize, and of, and for the execution of the ſaid action whereupon the ſame Recogniſance and mainprize was ſo taken and knowledged, and alſo of, and vpon all other bonds, Obligations and Recogniſances, wherein the ſaid Y. C. ſtandeth bound to any other perſon or perſons, for, and in the behalfe of the ſaid C. F. That then &c.

A Condition to saue his baile harmeleſſe, and render himſelfe prisoner, &c.

THe Condition &c. That whereas the within named G. F. this pre- Sect. 192.
ſent Terme of S. Michael, became bounden ſuretie, mainperno^r, baile, o^r pledge, fo^r the within bounden L. F. againſt H. S. of &c. in the Court fo^r plees before the M. Maieſtie to be holden, as by the Reco^rdes thereof appeareth: That now if the ſaid L. F. his executo^rs o^r adminiſtrato^rs ſhall pay, o^r cauſe to be payd vnto the ſaid H. S. his executo^rs &c. all and euery ſuch debts, damages, ſum o^r ſummes of money, as ſhall be recouered by the ſaid H. S. againſt the ſaid L. F. in the ſayd Court, o^r yéeld his body into the p^riſon o^r keeping of the Marſhall of the Marſhalſey fo^r the ſame, acco^rding to the intent and meaning of the ſame baile and iudgement thereupon to be giuen in the ſame Court, And thereof fo^r euer ſaue and keepe harmeleſſe the ſaid G. F. his heires, executo^rs, and adminiſtrato^rs, againſt the ſaid H. S. his executo^rs, and adminiſtrato^rs, and euery of them, That then &c.

A Condition to ſaue harmeleſſe of Couenants for the ſale of Wooder.

THe Condition &c. That where R. C. Eſquire by his deed indented Sect. 193
bearing date &c. hath bargained and ſold to L. H. all that his wood and vnderwood, called and known by the name of &c. containing &c. ſet ſtanding, growing, and being within the Pariſh and woods of &c. as by the ſaid Indentures &c. which woo^rs the ſaid L. H. hath bargained and ſold to the within bounden I. P. If the ſaid I. P. &c. and euery of them do well and truely content and pay to the ſaid R. C. o^r his executo^rs o^r aſſignes the ſum of &c. at the day and time contained in the ſaid Indentures, in the name and behalfe of the ſaid L. H. And alſo do diſcharge and ſaue harmeles the ſaid L. H. and his executo^rs and adminiſtrato^rs, of, to, and fo^r all couenants, grants, and agr^rements contained and ſpecified in the ſaid Indentures, which on the part of the ſaid L. H. his executo^rs, adminiſtrato^rs, and aſſignes, and euery o^r any of them ar^re to be obſerued &c. That then &c.

A Condition to ſaue harmeleſſe of a Recogniſance.

THe Condition &c. That where the within named A. B. at the in- Sect. 194
ſtance, petition, and requeſt of the within bounde C. F. and fo^r his debt by a certaine Obligation o^r Recogniſance made before M. H. Recorder of the city of L. and I. K. knight, Aldr. of L. in the ſumme of xx. li. of &c. as by the ſame Obl. appeareth, if the ſaid C. F. his heires &c.

pay vnto the said Chamber all the aforesaid sum of xx. li. and also saue and keepe harmelesse the aboue named A.B. from all maner of indemnities, costs, and charges, of, for, and concerning the said Obligation or recognisaunce, and all other things concerning the same, That then &c.

A Condition to saue harmeleſſe of Legacies, and to pay the same to the legataries.

Sect. 195. THe Condition &c. That where the within bounden R.B. and I. his wife, haue receiued and had at the insealing and deliuery of these presents, of the within named I.B. and I.B. administrators of the goods and cattels of one I.B. late of S. deceased the sum of xviij. li. of &c. (viz) x. li. the one halfe or moitie of a Legacie giuen to I.B. by the last will and Testament of the said I.B. her late father, and viij. li. to be paid to one A.A. daughter of the said I.B. by vertue of the said last will and Testament of the aboue named I.B. Now therefore, if the said R.B. his heirs &c. doe discharge, acquite, saue and keepe harmelesse the said I.B. and I.B. their heires &c. against all maner of persons for the paiment of the said xviij. li. of &c. And also pay the same x. li. vnto her the said I.B. when shee shall accomplish the full age of xij. yeres, if she so long liue and if she fortune to die before the said age, then to him, her, or them that can or may lawfully demaund or claime to haue the said x. li. before remembred, and I.I. and their administrators, for the payment of the same summe. And also beare and sustaine the halfe charges of the education and bringing vp the said A. vntill she shal attaine and accomplish the said age of xij. yeares, That then &c.

A Condition to saue harmeleſſe of debts and legacies.

Sect. 196 THe Condition &c. That the within bounden I.M. his executors &c. and euery of them, shall and will vpon reasonable request and notice, well and sufficiently saue and keepe harmeleſſe and indemnified the said E. against all and euerie person and persons, of, for, and concerning all and euerie debt or debtes which I.M. deceased, late Father of the sayd I. and E. did at the time of his death owe vnto any person or persons whatsoeuer, and of, from, and concerning all and euery such legacies as are pretended to be giuen, or were giuen or bequeathed in and by a supposed will and testament of the said I.M. deceased, and of, for and concerning the said last will or els if any person or persons shall at any time hereafter commence or sue, or cause to be commenced or sued any plaint, suite, or action against the said E.M. her executors or administrators

ſtratoꝛs, foꝛ oꝛ by reaſon of any debt, legacie oꝛ other thing due payable oꝛ bequeathed, oꝛ ſuppoſed to be due, payable, oꝛ bequeathed by the ſaid I. R. the father, to any perſon oꝛ perſons, and the ſaid E. R. and his executoꝛs ſhall and will from time to time, in conuenient time giue notice thereof to the ſaid I. R. the ſonne, his executoꝛs and adminiſtratoꝛs, and permit and ſuffer ſuch anſwere and plée to be pleaded and made hereunto as ſhalbe deuiſed, aduiſed oꝛ made by any Councelloꝛ, Atturney, oꝛ Pꝛocuratoꝛ that ſhall foꝛ that purpoſe be retained by the ſaid I. R. the ſonne, his executoꝛs, oꝛ adminiſtratoꝛs: if then the ſaid I. R. the ſon, his executoꝛs &c. from time to time, ſhall and will well and ſufficiently recompence and allow vnto the ſaid E. her executoꝛs oꝛ adminiſtratoꝛs, all and euery ſuch ſum and ſums of money as by oꝛder of law without collufion ſhalbe recouered againſt her oꝛ them, oꝛ any of them, foꝛ oꝛ by reaſon of euery ſuch plaint, ſuit, action oꝛ actions, together with all ſuch coſts, charges and expences as they oꝛ any of them ſhall neceſſarily expend, diſburſe oꝛ lay out about the defending of any ſuch plaints, actions, ſuit oꝛ ſuits, oꝛ in trauell about the ſame, within vj. moneths nert after requeſt and notice thereof to him the ſaid I. R. the ſonne, his heires, executoꝛs, oꝛ adminiſtratoꝛs to be giuen oꝛ made by the ſaid E. R. her heires, executoꝛs, oꝛ adminiſtratoꝛs, That then &c.

A Condition to ſaue harmeleſſe from ſuits in the law &c.

THe Condition &c. That if the aboue bound W. T. his executoꝛs, and adminiſtratoꝛs, and euery of them, at all times hereafter vpon ſufficient warning and requeſt do by reaſonable recompence ſaue and keepe harmeles and indemnified W. Y. R. S. and E. T. and euery of them, and the executoꝛs &c. againſt E. B. and euery other perſon and perſons claiming by, from oꝛ vnder him any right oꝛ title, of and from all manner of ſuits, damages, coſts, and charges in the law, ariſing oꝛ growing, oꝛ which hereafter ſhal ariſe and grow by meanes of any ſuit now being oꝛ depending, betweene the ſaid W. T. and E. B. oꝛ which hereafter ſhall ariſe oꝛ grow betweene them, of, foꝛ oꝛ concerning the eſtate, right, title, intereſt oꝛ poſſeſſion, of, oꝛ in one meſuage with the appurtenances in D. &c. That then &c. Sect. 197.

A Condition to keepe the peace, and appeare before the Queenes Counſell.

THe Condition &c. That if the within bound I. L. obſerue and keepe the peace againſt the Queene our ſouereigne Lady, and all Sect. 198.

her liege people, between this and the 15. of Easter next comming, and then doe personally appeare before the Queene and her most honorable Counsell in the Starre chamber at W. and so from day to day, and not to depart without licence of the said Court, That then &c.

A Condition to keepe the peace.

Sect. 199. CONditio istius obligationis talis est, q; si interi' obligat' R. de ceter bene & honeste se habeat, & pacem Dominæ Reginę gerat erga infranominat' I. S. & W. R. & eor' vtrumq; & omnes familiares & seruientes suos, put ordo charitat' et honestatis idem requirit, ac ipse ipsos I. & W. seu eor' alterũ non leserit verbo nec oper', q; in ipsorum I. & W. damnum siue lesionẽ nominis sui, siue bonæ famę aliqualit' cõuert poterit, ac etiam si dicti I. & W. siue eor' alter p præd' R. aut per aliquẽ alium seu aliquos alios eius causa, querela, fauore, amore, odio, instigatione, seu ꝓcuratione de ceter non ꝓsequant' nec implacitent pro aliqua causa, querela seu materia quacunq; int' dict' I. et W. & præf. R. ante dat' infrascript' habit', mot', seu exort', q; tunc presens obligatio, vacua & ꝓ nulla habeat', & si præd' R. contr' premissa seu eor' aliquod in futur' fac', seu fieri ꝓcurauer', q; tunc presens obligat' in omni suo robore stet & effectu &c.

A Condition to keepe the peace, and to be of good abearing.

Sect. 200. THe Condition &c. That if the within bounden S. and E. his wife, doe keepe the peace against all the Kings liege people, and specially against A. B. C. D. &c. and beare themselues honestly and duely, both in their words and deeds, against the said A. B. &c. nor slander them, nor any of them, of, or vpon any such matter touching the death of J. M. or the suit about the trial of the same, wherein the said A. C. &c. by the L. lawes is clerely declared innocent &c.

A Condition for apparance in the Kings Bench, and abearing.

Sect. 201. CONditio istius obligationis talis est, quod si interius obligat' I. L. compareat personaliter sub custodia infranominati Vicecom' vel eius deputat' coram Domino rege in octabis S. Hill' proximo futur' vbicunq; tunc fuerit in Anglia, ad inueniendũ tunc coram ipso domin' reg. sufficientem securitatem de se bene gerendo erga ipsũ dominũ reg. & cunctum populum suum, iuxta tenorem breuis dicti domini Reg. præf Vicecom' inde direct, & se bene medio tempore gerat, & dict' vicec'. here',

heredi & executores ſuos erga dominum Regem & cunctum populum ſuum de, & in omnib⁹ concernent premiſſa indemne conſeruet, qd. tunc &c.

A Condition of the peace for the good abearing.

THe Condition &c. That if the within bound R. T. do perſonally appeare in the cuſtody of the Baily within written, or of his deputy, before the Juſtices of our ſoueraigne Lord the King &c. the Munday next after the Natiuitie of S. Io. Baptiſt &c. at the towne &c. to finde there before the ſaid Juſtices, good and ſufficient ſureties of the peace, and do behaue and beare himſelfe well and peaceably againſt our ſayd ſoueraigne Lord, and all his liege people, and ſpecially againſt A. B. and in the meane time keepe the peace of our ſaid ſoueraigne Lord. And ſo from henceforth ſaue and keepe harmeleſſe the within named baily &c. for and concerning the premiſſes, and euery part of them, That then &c. Sect. 202.

A Condition for apparance in the Common place.

COnditio iſtius obligationis talis eſt, q; ſi interi⁹ obligat. I. H. compareat perſonaliter corã Iuſtic. dom. reg. apud W. à die Paſ. in xv. dies, ad reſpondẽd H. B. de plac. debit. vel detenc. aut compot. iuxta tenor̃ br̃is Reg. præf. Vic. inde direct' &c. Sect. 203

A Condition to giue euidence againſt a Felon.

THe Condition &c. That if the aboue bounden T. W. and R. C. doe purſue and giue ſuch euidence as they know, at the nert generall Seſſions for the County of P. to be holden againſt D. P. and R. B. now priſoners in the caſtle of P. concerning certaine felonious acts by them perpetrated or committed, Then &c. Sect. 204

A Condition to giue euidence againſt Felons at the Seſſions.

THe Condition &c. That where the within named R. P. and I. B. by vertue of their office by inſtruction giuen and declared vnto them by me N. L. of N. haue attached and taken as a Felon one G. G. of N. for and concerning the imbezilment and taking away of two péces of Worſted, of the goods and chattels of one R. W. of N. D. being in the ſafe cuſtody and keeping of the ſaid N. L. if the ſame N. at the Seſſions of the peace of our ſoueraigne Ladie Queene Elizabeth, nert to bee holden at N. within the countie of &c. in the ſayd citie of N in his owne proper perſon doe appeare before the Juſtices of peace of our Sect. 205

our Soueraigne Lady the Quenes Maiestie before them, then and there to declare to the said Iustices such pregnant euidences against the said G. G. of, for, and concerning the premisses, as he the said N. hath perfect knowledge of, or can declare of a very trueth in the discharge and acquiting of the said Sheriffes, aswell against our said Soueraigne Lady the Quene, as against all and euery other person and persons: That then &c.

Conditio quod compareat coram Iustic. pacis ad proximam Sessionem.

Sect. 206. CONditio istius obligationis talis est, qd. si quedã A. W. Spinster, in propria persona sua compareat corã Iustic. dom' Reg. de pace in com' N. conseruand assignat, necnõ &c. ad prox. Sessione pacis dicte dom. reg. apud M. en le Shirehouse ibid. prox. tenend ad respondend. tam dict. dom. reg. quã G. S. de placit transgress. & contẽpt. contra formã statut. seruient. Et vlteri' indẽpnes cõseruet infranominat. Vic, & eorum vtrumq; heredes & execut. suos, versus dictã dominam Reg. & omnes alios quousq;, de & super premissis, extunc presens &c.

A Condition for apparance in the Kings Bench for the peace.

Sect. 207. CONditio &c. q; si infra obligat' I. L. cõpareat personalit. in custod. infranominat. Vic. &c. coram dom. reg. in octab. sancti Mich. px. futur vbicunq; tunc fuerit in Angl. ad inueniend. tunc coram ipsa dom. reg. sufficient. securitat. pat is dom. reg. & de se bene gerend. erga ipsã dom. reginam & cunctum populum suum, & præcipue erga H. C. iuxta tenor. breuis ipsius dom. reg. præf. Vic. inde direct. & medio tẽpore pacem gerat, & dict. Vic. hered. & executor. suos erga dom. reg. cunctum populum suum, & precipue erga pred. H. de, & in omnibus concernen. premissa indempnes conseruet, quod &c.

A Condition for behauiour, and not to resort to the obligees house.

Sect. 208. THe Condition &c. That if the within bound I. L. from henceforth well and honestly, as well in wordes as in deedes, behaue and demeane himselfe against the within named W. P. and from this time forward, neither to rebuke, miscall, threat, menace, nor braue the same W. nor to him any bodilie hurt or harme do, or procure to be done, nor any

any fraude or trayt vpon him made, or cause to be made. And also doe not from henceforth come, resort, or haunt into the house of the said Wil. nor with him, ne any of his be accompanied, eating, drinking, familiar, or conuersant within the said house, That then &c.

A Condition for appearance vpon a Writte.

The Condition &c. That if the above bound G. Y. doe appeare before our said Soueraigne Lady the Queenes Maiestie at W. the Thursday next after quindena Paschae, to answere vnto R. C. in a plea of Trespasse: That then &c. Sect. 209.

A Condition to be a true prisoner.

The condition &c. That if I. Y. Apothecary of &c. which now is in the Queenes prison, vnder keeping of the Sherife within written, aswell by reason of a writ of our Soueraigne Lady the Queene, of the Statute of the Staple containing the summe of C. li. &c. as also for certaine other actions, causes, and suites, on the behalfe of R. S. &c. moued and commenced, be from henceforth a true and faithfull prisoner, tarrying and remayning with the said Sherife and his deputy, till the same R. S. be fully at an end discharged and acquited of the said action, and then content and pay to the said Sherife &c. all and singular costes, charges, fees, and other duties, in such cases heretofore accustomed to be payd: That then &c. Sect. 210.

A Condition to returne Cattell replenished.

The Condition &c. That where the within named Sherife, by vertue of his office, and vpon the complaint of the within bound I. L. had deliuered and replenied to the same I. foure horses, and foure kine, which one Wil. B. late tooke, and wrongfully withholdeth, as the said I. S. sayth, If the same I. do pursue his action with effect against the said Wil. for the taking and withholding of the said horses and kine and make returne of the same, if the returne thereof be so adiudged, by law and the said Sherife, his heirs any executors acquite, discharge and saue harmelesse against our soueraigne Lady the Q. and the said Wil. of and for all and euery thing concerning the premisses, That then &c. Sect. 211.

A Condition that Pyrats shall appeare at the next gaole deliuerie.

The Condition &c. That if the aboue bound Wil. Wi. nolo pilliner with the Seriant of the admiraltie, before the comming, and make Sect. 212.

make his personall appearance before the said Mast. Doctor L. Judge of her Maisties Court of the Admiralty, and other her Maisties Commissioners for Pyracies, at the next Sessions of Gaole delivery to be holden in the Citie of L. or the Borough of Southwarke, for Marine causes, And do not from thence depart without speciall licence first had and obtained of the said Commissioners, That then &c.

A Condition of a Recognisance of an Alehouse keeper.

Sect. 213 The Condition of this Recognisance is such, That if the above bound I.Y. appointed to keepe an Alehouse, or victualing house, aswell for the relefe of his poore neighbors, or for good, honest, and well disposed waifering and travailing persons, do at all time and times hereafter, keepe and maintaine in his house convenient victuals, not maintaining or suffring in his house, at any time or times, any unlawfull games, Neither sell or utter any victuals in time of divine service to be celebrated in the parish Church of &c. upon the holy daies, except in cas of necessity, nor in the night after convenient times, and that for lawfull causes, that is to say: after the houres of ix. of the clock in the afternone of every day in the Summer time, and viij. of the clocke in the Winter. Neither after the same houres receive into his house any theefe, vagabonds, rogues, or suspected person or persons, to his knowledge, to play, eate, drinke, or lodge, and abide in the said house, without the commandement of the Constable, or other officer there for the time being, or at any time or times do suffer to remaine by the space of tenne houres in his house, any idle person or persons &c. That then &c.

A Condition of a Recognisance for Brewing.

Sect. 214 The Condition of this Recognisance is such, that whereas the said A.P. is licenced by vs G.F. and R.F. two of the Du. Maisties Justices of Peace within the said County of D. to brew, to sell, and keepe a common Alehouse, according to the statute for brewers, made in the 5. years of the reigne of our late soveraigne Lord King Edward the first: If therefore the said A.P. doe brew to sell and keepe a common Alehouse, and doe not use, nor suffer any unlawful games, or evill order within his house, orchard, or garden, but use, maintaine, and keepe good order and rule within the same, according to the Statute, That then &c.

A Condition of an Alehouse keeper.

Sect. 215 The Condition of this Recognisance is such, that where the within bound I.D. is appointed to keepe a common Alehouse at D. if the

the said I. S. doe diserue, keepe, and vse, or cause to be kept and vsed, good and honest rule and conseruation in the same Alehouse, and do not in the same suppose and maintaine, or suffer to be kept, exercised or vsed any vnlawfull games and plates, as at Dice, Cards, Tables, or any other vnlawfull games, prohibited by the lawes and statutes of this realme, and especially by menne seruants, apprentices, common labourers or idle persons, and also doe not keepe tipling, or resort of any persons in the same Alehouse on the houres of diuine seruice on the Sabboth day, or other festiuall dates, & do not wittingly lodge, support, or maintaine in the same Alehouse, men or women of euill name, fame or condition, haunters or any other misruled persons, knowing them to be of such sort and condition. And also prouide two honest beds to lodge in such trauelling persons as from time to time shall happen to haue need of lodging, during the terme that he shall keepe the same Alehouse, That then &c.

A Condition to knowledge satisfaction.

THe Condition &c. That if the within bound I. S. his executors, or administrators, before the end of the next Easter terme, by him or themselues, or by his or their lawfull Atturney, shall in the Quenes Maieskies Court of her common pleas, confesse or acknowledge satisfaction of all such Iudgements and executions, as the said I. S. hath recouered in the said Court against one W. S. late of L. in the county of M. Gentleman, That then &c. Sect. 216

A Condition to make goods sold, worth &c.

THe Condition &c. That where the within bound I. S. the day of the date within written, for the sum of xx. pounds &c. hath bargained, sold and deliuered to the within named I. D. diuers goods, plate and iewels, in a certaine Indenture comprehended, bearing date &c. vnder a Condition in the same Indenture specified: If the said I. S. make default of payment, in the said Indenture mentioned and comprised. And then if all the aforesaid goods, plate and iewels, indifferently praised, be found of lesse value then &c. so that the said I. S. immediately pay, or cause to bee paid to the aboue named I. his heires &c. as much good and lawfull money, or other ware, as shall amount to the summe of all that shall be lacking of the said &c. in the goods, plate, and iewels aforerehearsed: That then &c. Sect. 217

A Condition to find a Clerke to serue a Cure.

THe Condition &c. That if the aboue bound I. S. his heires, executors, administrators, or assignes, or any of them, do well and truly from Sect. 218

from time to time, and at all times hereafter, at his and their proper costs and charges, find and maintaine one able and sufficient Curat or Minister, which shall well and sufficiently discharge and serve the Cure of the said parish Church &c. according to the Ecclesiasticall lawes of this Realme, and well and truely discharge and acquite the said A. from the serving thereof, during all such time as the said A. shall be and continue Parson of the said Parish. That then &c.

A Condition to finde necessaries during life.

Sect. 219. THe condition &c. That if the within bound E. F. his &c. at the only costs and charges of the said E. F. his executors &c. shall and will sufficiently and competently find, provide, and give or cause &c. unto M. now wife of the within named E. I. during the naturall life of the said M. good, sufficient, and competent houserome for her dwelling and abiding, and also sufficiet and competent lodging, bedding, and wholsome sustenance, meat, drinke, apparell, and all other things meet and requisite, to and for the sustentation, keeping, and living of the said M. during the naturall life of the said M. That then &c.

A Condition to finde meate, drinke &c.

Sect. 220. THe Condition &c. That where a mariage is to be had and celebrated betweene the within named H. G. of the one party, and one M. one of the daughters of the within bound E. S. of the other partie, if the said E. his heires, executors, and assignes, shal after the day of the marriage aforesaid, for and during the terme of ij. yeares thence next and immediatly following, fully to be complete and ended, finde unto the said M. and M. and unto one servant of the said M. sufficient meat and drinke, with convenient bedding and other necessaries to the same belonging and appertaining, when, or as often as they or any of them shall repaire, resort, abide, or remaine, in, or at the mansion house of the said E. commonly called and knowne by the name of S. or elsewhere, during the terme aforesaid: That then &c.

A Condition to leave his wife &c.

Sect. 221. THe Condition of &c. That where the within bound I. L. shall by the grace of God, marrie and take to wife A. W. widdow, if the said I. after the mariage had and solemnized, happen to die before the said A. that then if the said I. doe leave the said A. worth an C. li in money, or in moueables, over and above houshold stuffe, by legacie or otherwise, to bee delivered by the executors or assignes of the sayd I. to the said A. her executors or assignes, within one moneth next after the death

death of the said I. to be imployed and disposed to the proper vse of the said A. at her will and pleasure, That then &c.

A Condition to leaue his wife seruiceing goods worth &c.

THe Condition of &c. That where the aboue bounden W. B. is by the grace of God shortly to marry and take to wife P. Y. neere kinswoman vnto the said F. R. and W. B. hath no inheritance, which hee may lawfully assure for the Ioynture of the said P. nor whereof she is by law to bee endowed, and therefore very careful and willing, that if it please God that the said W. doe die before the said P. that he may and shall leaue the said P. sufficiently prouided for, respecting his abilitie, and the portion he had by her, And accordingly hath promised to the said F. R. Y. S. and F. Y: If therefore the said W. B. do by his last will and testament in writing, or otherwise, sufficiently and lawfully prouide, without all fraud or practise, that the said P. may haue and enioy to her owne vse, immediatly after the death of the said W. B. if she fortune to ouerliue him, goods and chattels amounting to the cleere summe and value of &c. aboue all charges, which shee shall and may lawfully possesse and enioy at her will and pleasure, without any lawfull claime, challenge, or demand to be made by any person or persons, That then &c. Sect. 222.

A Condition to suffer his wife to make a will.

THe Condition &c. That if the within bounden R. P. do permit and suffer one Y. D. which the same R. by Gods grace shall take to wife at any time before her death, to declare and make her will, deuise, and giue at her pleasure vl. li. of &c. to what person or persons, and vnto what vse and purpose as she will at her pleasure. And also permit and suffer her executors to proue, declare, and performe the last Will by her made, without vexation or interruption, denying, or impediment of the said R. And also if the same R. doe performe, fulfill, obserue, pay, and content the said vl. li. so by her assigned, bequeathed, and willed, to such person or persons, in such maner and vse, and at such dates, and within such time, as by her shall be deuised, bequeathed, and willed, without any further delay, That then &c. Sect. 223

A Condition to suffer his wife to giue certaine Goods during her life, or by will.

THe Condition &c. That if the within bounden E. B. after marriage had betweene him, and A. widow, late wife to E. B. deceased, Sect. 224.

deceased, do permit and suffer the said A. to giue, bequeath, or appoint, by her last will, or otherwise, at any time during her life, goods and cattels, to the value of &c. so that the same gift, bequest, or appointment so to be had and made, shal be good and available to the said parties, to whō the said gift, bequest, or appointment shall bee so made by the said A. against the said T.B. and his executors, without let, impediment, or disturbance of the said T.B. or of his executors &c. And also if the said T.B. do accomplish, performe, and fulfill the said gift, bequest, or appointment, hauing thereof notice and knowledge by the said A. or by her last will, with his own proper goods, according to the intent and true meaning of a paire of Indentures made betweene the said T.B. of the one party, and F.R. and E.G. of the other party, bearing date &c. That then &c.

A Condition to passe an accompt, and procure discharge.

Sect. 225. THe Condition &c. That if the aboue bounden Y.P. his heires, executors, and administrators, do make a true and perfect accompt, of and for the aboue named T. his heires and executors, in the Exchequer of our Soueraigne Ladie the Queene, and the heires and successors of the said Queene, of, for, and vpon all issues, charges, sum and summes, which be or shall be asked, charged, or demaunded, of, or vpon the sayd T. as late Shirife of the said County, and get, and procure a sufficient Quietus est thereof for the said F. his heires and executors. And moreouer do well and truely discharge, saue, or keepe harmeleſſe the said T. his heires &c. against our Soueraign Lady her heires and successors and all other person or persons of, for, and concerning the said office of Shirife, and all the receipts and charges thereof. That then &c.

A Condition for the executing of a Bailywicke.

Sect. 226. THe Condition &c. That if the aboue bounden I. P. doe well and truely exercise the sayde office of Baylife and Collector in the Countie of P. by himselfe, or his sufficient deputie or deputies, for whom he will answere, during the time that hee shall continue in the same. And doe by himselfe, or by his sufficient deputie or deputies for whom he will likewise, answere, appeare yerely at all times of the yere, before the Receiuor of the Queenes Maieſties said rents, and profits, and reuennes for the time being, vpon the precept of the said Receiuor, or of his deputy, yerely, at such time and place within the said Countie of P. as the same Receiuor by his precept shall limit and appoint to the said I.P. And also if the said I.P. doe then pay, or cause to payed to the Queenes vse, her heires and successors, in the hands of the sayd

Receiuor

Receiuor, or to the hand of his deputie or deputies, all such summes of money due to our Soueraigne Ladie the Queene, at, or before the feast of S. yearely, as the said I. M. shall or may by any lawfull or due meanes leuie, or receiue, within or by reason of the said office of Baylife or Collector. And also if the said I. M. by himselfe, or his sufficient deputie or deputies, doe appeare and accompt yearely before the Queenes Maiesties Auditor or Auditors, or the deputy or deputies of the Queenes Maiesties Auditor or Auditors, at the audite to be holden within the sayd county of M. or elsewhere, as to him shalbe by the same precept appointed, betweene the feast of S. Mich. tharchangell, and the Natiuitie of our Lord God, or after such time and place within the sayd countie of M. as by the precept of the same Auditor or Auditors or of his deputie or deputies shalbe to him limited and appointed, of, and for all rents, reuenues and profits due and payable, within, or by reason of the said office of Bailife and Collector, at, or before the feast of S. Michael the Archangell next before the same Audite. And do well and truely content and pay, or cause to bee contented and payd to the Q. Maiesties vse, her heires and successors, to the hands of the receiuor of the sayde rents, reuenues, and profits, all and euery such summe and summes of money, as from time to time before the sayde Auditor or Auditors, his or their deputie or deputies, shall bee iustly found due to the Queenes Maestie her heires and successors, by the sayd I. M. or his deputie or deputies, by reason of the sayde office of Baylife and Collector, vpon the set or determination of euery such accompt, had and made. And also doe obserue, performe, fulfill and keepe from time to time, all things, clauses and articles touching Bailifes and Collectors, contained and mentioned in the statute for the true answering of the Kings reuenues, made in the Parliament holden at Westminster in the vij. yeare of the Raigne of our Soueraign King Edward the firt, And if it shall happen at any time hereafter during the time that the sayd I. M. shalbe Bailife and collector, as is aforesaid, any of the surety or sureties now bounden for the sayd I. M. to die, or decay, or shalbe misliked and thought not able and sufficient by the Treasurer and Chauncellor of the Exchequer for the time being, to answere and pay all such summes due, or to be due, by the said Collector for his sayd office, according to the true meaning hereof: Then if the sayd I. M. doe within one moneth next after the death or decay of any the person or persons aboue bounden, or after notice to him to bee giuen of such misliking, as is aforesayde, of any the saide persons so bound, finde, name, cause, and procure, such able and sufficient person

and

and persons, as by the said Treasurer and Chancellor of the sayd Exchequer for the time being shall be thought meete and conuenient to be surely bound vnto our said soueraigne L. her heirs, and successors, in the steede and place of him or them so dead, decaied, or misliked and thought insufficient as aforesaid and in such sum or summes of money, and vpon such condition, and in such sort, as he or they which so shall be dead, decayed or misliked, as is aforesayd, stood, be, is, or shall be bound at the time or times that he or they shall die, decay, or be misliked and thought vnmeete as is aforesaid; And that as often as any such doth decay, or any misliking shall happen during the time the said I. P. shall remaine and bee baylife or collector of the premisses, as is aforesaid, That then this Recognisance to be void and of none effect, or els &c.

A Condition to exercise a Bailiwicke.

Sect. 227. THe Condition &c. That if the within bounden I. A. well and truely exercise and occupy the office of the Bailiwicke of the hundred of C. vnder the within named E. T. being shirife of B. and be ready and attendant to the said shirife and his deputy, at all times when hee shalbe required, in executing his said office of Shirifewicke, and discharge and saue harmeles the said shirife against our Soueraigne &c. and all other persons, for executing of all manner of proces, precepts, warrants and commandements to be directed, executed, and done by the said I. and of all prisoners as shalbe in his custody, and well and truely content and pay to the same shirife, his executors, or assigns, all the issues, reuenues, and profits of the said hundred, whereof the certainties amount to the sum of iiij. li. by the confession of the said bailife, to be paid duly at the feast of C. &c. And also leuy, content and pay to the said shirife, all such greene ware, pipe siluer, and issues, as the said shirife shall be charged with in the said hundred, and as shall be extreated out to the said Bailif to gather, to bee paid to the said Shirife afore the said feast &c. That then &c.

A Condition to resigne a Vicarage.

Sect. 228. THe Condition &c. That if the within bounden E. S. within one moneth next after request to him to be made by the within named Wil. C. or his certaine Attorney, do well and sufficiently resigne the vicarage perpetuall of the Church of D. in the Countie of C. in the diocesse of L. and C. into the hands of the ordinarie of the said place for the time being, to the intent that the said Ordinary shall institute and induct the said Wil. or such other person as the said Wil. shall for that purpose name Vicar of the said Vicarage, That then &c.

A

A Condition to renew sureties.

THe Condition &c. That if the within bounden I. M. and T. D. or one of them, their heires, executors, &c. doe well and truely content and pay, or cause to be contented and paied vnto the within named Wil. M. his executors &c. the summe of xx.li. &c. in manner and forme following &c. And further, if at any time hereafter before the said summ of xx.li. be fully paid, as is aforesaid, it shall happen the said I. M. and T. C. or either of them do die, Then the survivor of the said I. and T. together with one good, able, and sufficient person or surety, shall in stead of him that shall so depart, within three months next after the death of him that shall so depart, become and stand bound to the said Wil. M. his executors or assignes, by another good and sufficient writing obligatorie, for the paiment of the said xx.li. or so much thereof, as shall then be and remaine vnpaied, in such maner and forme, to all intents and purposes as are contained in this present obligation, (the said Wil. his executors or assignes, vpon the sealing and delivery of the said new writing obligatory, delivering out the old obligation then remaining, to bee cancelled) That then &c. Sect. 229.

Defeasances.

A Defeasance of an Obligation.

THis Indenture made &c. Betweene C. W. and W. W. Witnesseth, That whereas the saide W. W. standeth bound vnto the sayde C. W. by one Obligation, Bond, or writing Obligatorie, bearing the date hereof, in the summe of 200.li. payable at the feast of Easter next ensuing the date hereof, as thereby appeareth: That yet neuertheless, the said C. W. is contented, and for himselfe, his executors, and administrators, and euerie of them, doth couenant, grant, promise, and agree, to and with the said W. W. his heires &c. by these presents, that if the said W. W. his &c. do well and truely pay, or cause to be paied vnto the said C. his &c. C.li. of &c. vpon the feast day of the Ascention of our Lord God, which shall be in the yeare of our Lord God 1599. in the South porch of the parish church of R. in the county of Y. That then and thencefoorth the said Obligation, Bond, or writing obligatorie to be vtterly voide and of none effect in the Law, or else to stand, remaine, and be &c. In witnesse Sect. 240.

witnesse whereof the said parties to these presents Indentures interchangeably haue set their hands and seales the day and yere first aboue written.

A Defeasance of a Recognisance for the payment of money at seuerall dayes.

Sect. 231. THis Indenture &c. Witnesseth, That whereas R. W. of D. in the countie of C. yeoman, and I. L. of C. in the county aforesaid yeomã, by a certaine recognisance prouided for the recouery of debts taken, recognised and sealed before S. C. W. knight, chiefe Iustice of the Kings Bench, bearing date the day of these presents, stand and be iointly and severally bounden vnto T. L. of C. in the county of C. yeoman, in the sum of C. li. sterling, to be paid as in the same recognisance thereof made, more plainly doth appeare: Neuertheleſſe, the said T. for him, his heirs and executors, willeth and granteth by these presents, that if he the said R. and I. their heires, executors, and assignes, or any of them, do truely content and pay, or cause to be contented and paid vnto the aforesaid T. his heirs, executors, or assigns, the sum of xl. li. of good and lawfull money of England, in maner and forme following: that is to say, In the feast of &c. v. li. at the dwelling house of the said T. where he now inhabiteth: And the first day of May &c. v. li. at the said house, and so forth from yeare to yeare, and halfe yere to halfe yere euery first day of May next and immediatly insuing one another, at the house of the said T. as is aforesaid, v. li. vntil the said sums of xl. li. be fully contented and paid: That then &c.

A Defeasance to make a Leaſe, according to an old Leaſe thereof, and for quiet occupation thereof.

Sect. 232. THis Indenture &c. betweene T. W. and B. his wife, and G. M. of &c. Witnesseth, that where the said G. M. by his deed indented, bearing date the 28. day of M. in the fourth yeare of &c. haue demised, granted, and to farme letten vnto the said T. W. and B. his wife, all those his shæpe pastures, leases, feedings, and commons, set, lying, and being in the manors of S. and M. in B. in the countie of N. with all and singular &c. To haue, hold, and occupie the same to the said T. W. and B. their executors and assignes, from the day of the date of the said deede indented, for and during the terme of 21. yeares thence next following, as by the tenor of the same deed indented more plainly it doth appeare. And whereas the sayd G. M. personally standeth bound before the Queenes Maiestie, in her high Court of Chauncery by

by a Recognisance there acknowledged, bearing date &c. vnto the said T. W. and B. his wife, in the summe of &c. as by the tenor of the same Recognisance inrolled in the said Court, doth and may more playnely appeare: It is therefore couenanted, condiscended, fully concluded and agreed betweene the same parties, and the same T. W. and B. his wife for themselues, their &c. doe couenaunt and grant, to and with the said G. M. his &c. that if he the said G. M. his &c. within one yeare next after the full end, expiration, and determination of the said xxj. yeres, & after a reasonable and conuenient request to the said G. M. his &c. had and made by the same T. W. and B. his wife, or any of them, or the heires &c. of them, or any of them, make, seale, and deliuer, or cause to be made, sealed, and deliuered, a good, sufficient, sure, and indefeasible new lease of the same sheepe pasture &c. vnto the same T. W. and B. his wife, or the longest liuer of them, if either of the same W. or B. then fortune to be dead. To haue and to hold the same, for, and during the terme of xx. yeares next insuing, with onely such and no more rent reserued for the same, and such like, and no more, nor other articles, agreements, or couenants, than be contained in the Indenture afore mentioned (the names of the parties thereunto, the date and expiration of ỹ same new lease, and other things of course, and not of substance or effect onely to be changed and altered in the same, and by the assent or mutual agreement of both the parties to the same, according to the true meaning and intent hereof.) And also if the same T. W. and B. their heirs &c. shall quietly haue, hold, occupie, and enioy the same premisses, by all the time of the terme of the said xx. yeares, according to the tenor of the new appointed lease, paying such rent as is reserued and contained in the same Indentures, without any lawfull euiction or disturbance of the said G. M. his heirs or assignes, or any other by him, his, or any of their procurement or commandment. That then &c.

A Defeasance of a Statute staple for debt.

THis Indenture &c. Betweene E. C. of &c. and I. A. I. B. and I. G. of the other partie, Witnesseth, that whereas the said I. A. I. B. and I. G. by one writing of Recognisance, beating the date hereof, made according to the Statute prouided and set forth for the recouerie of debt, sealed, taken, and acknowledged before sir T. M. Knight, Maior of the Staple at Westm. and W. F. esquire Recorder of the city of L. are and stand iointly and seuerally bound to the said E. C. in the summe of CC. pownds, of lawfull money &c. as by the same writing or Recognisance appeareth. Neuertheless, it is agreed betweene the said parties, and the said E. C. is contented and pleased, and by Sect. 233.

these presents, for him, his executors &c. doth covenant &c. to and with the said I.A. I.B. I.C. and every of them, their &c. in maner and forme following, that is to say: that if the said I.A. I.B. and I.C. or any of them, or &c. do well and truly pay, or cause to be paid vnto the said C.T. his &c. the summe of C. li. of &c. at, or in the now dwelling house of C.T. in the countie of D. in, and vpon the 4. day of &c. (if the said I.C. and E. C. daughter of the said C.T. or either of them shall be then liuing in this transitorie life,) That then the said writing or Recognisance of &c. shal be vtterly void and of none effect, as though the same had neuer beene made. In witnesse &c.

A Defeasance of a Statute knowledged before the chiefe Iustice of the Common Pleas.

Sect. 234. THis Indenture &c. Betweene C.W. of &c. and W.W. of &c. Witnesseth, that whereas the said W.W. standeth bound vnto the said C.W. by one statute, recognisance, or bond, bearing date hereof, knowledged before sir C.A. knight, Lord chiefe Iustice of the common Pleas at Westminster, in the summe of C C. pounds, payable at the feast of Easter next insuing the date hereof, as thereby appeareth: That yet neuertheless, the said C.W. is contented, and for himselfe, his executors &c. and euery of them doth covenant, grant, promise, and agree, to, and with the said W.W. his heires &c. that if he the said W.W. his heires &c. do well and truely pay, or cause to be payd vnto the said C. his executors &c. one hundred pounds &c. vpon the feast day of &c. in the South porth of the parish church of saint D. situate in Fletestreet in London, That then &c.

In like maner may all other Defeasances of Statutes Merchant and single Recognisances knowledged in the Chancery, or elsewhere be made, *Mutatis Mutandis*. And so we thinke we haue sufficiently discoursed of the sundry formes of Conditions, and Defeasances of Obligations and Recognisances: vnto which, Feoffements seeme by good right worthie to be next placed.

Feoffements.

Sect. 235. *Of Feoffements, and what a Feoffement is.*

A Feoffement, Feoffamentum, or rather Feufamentum, for it seemeth to be derived of Feudum, a Gottish word, so called a fide vel fidelitate, which is defined of the Ciuill Lawiers,

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A loning and free graunt of a thing either immoueable, or of like nature, by transferring of the vse and profite thereof, retaining the bery propertie vnder the doing of fealtie, and other seruices. And of sothe it is said to be a kind of protection or patronage, safegard, or homage, whereby some dignitie, pension, or ground, is in such maner giuen or graunted to any man, that hee and his heires and posteritie should for euer acknowledge the author of the same good turne, and worship him as their Patron or Lord, and defend his person, honour, lands, and goods &c. By which I gather, that Feoffamentum generally signifieth donationem feudi. But with vs it is properly any gift or graunt, of any honors, castles, mannors, mesuages, lands, or other corporall immoueable things of like nature, to another, and his heirs for euer, by the deliuerie of seisin and possession of the thing giuen, whether the gift be made by word or writing. And when it is by writing, it is called a deed of Feoffement. And in euery Feoffement the giuer is called the feoffor, feoffator: and hee that receiueth by vertue thereof, the feoffee, feoffatus: As in these examples following.

A Feoffement of lands descended.

SCiant &c. quod ego I. N. de P. in comitatu N. yeoman, filius & hæres R. N. nuper de P. prædefuncti, vendidi, concessi, & hac præsenti charta mea confirmaui W. F. decem acras terræ cum pertinentijs, iacen' & existen' in villa & parochia de B. in comitatu prædict', viz. inter terram &c. Quæ quidem decem acræ terræ cum pertinen' nup fuerunt prædict' R. N. patris mei, & quæ per & post mortem ipsius R. mihi præf. I. vt filio & hæredi eiusdem R. iure hæreditario descendebant, Habend & tenend prædict decem acras terr cum pertinentijs præf. W. hæred & assignatis suis in perpetuum de capitalibus dominis feodi illius, per seruitia inde debita, & de iure consueta, ad opus & vsum dicti W. hæred & assignatorum suorum imperpetuum: Et ego vero præf. I. & hæredes mei prædict' decem acras terr cum pertinentijs præf. W. hæredibus & assignatis suis, contra omnes gentes warrantizabimus imperpetuum per præsentes. In cuius rei &c. Sect. 236.

A Feoffement of Lands purchased according to an Indenture &c.

SCiant &c. qd ego I. P. ad instantiã & requisitionem W. F. ac in complementum & executionem certarum conuentionum & concessionum contentar & specificat in quibusdam Indentur, gerentibus datum Sect. 237.

quarto die I. vltimo preterito ante datū presentium, factis inter me p̄fatum I. ex vna parte, & p̄d̄ W. ex altera parte, dedi, concessi, et hac p̄senti charta mea confirmaui eidem W. totum manerium meum de D in S. cum pertinentijs in comitatu E. vna cum omnibus terris et tenementis, pratis, pascuis, pasturis, boscis, et subboscis, redditibus, reuersionibus, et seruitijs, et omnib⁹ suis p̄tin eidem manerio spectantibus siue pertinentibus, quæ ego p̄d̄ I. nu⁹ habui mihi, hæredibus et assignatis meis, ex dono et feoffamento N. K. Habendum et tenendum totū &c. vt supra.

A Feoffement in fee, with a letter of Attorney.

Sect. 238

SCiant p̄sentes et futuri, quod ego W. H. generos. dedi &c. W. C. manerium meum de T. &c. Habend̄ et tenend̄ p̄dictum manerium cum omnibus &c. p̄fat̄ W. C. et I. S. hęredibus et assignatis suis imperpetuum. Et ego vero p̄d̄ &c. Et vlterius sciant me p̄fat̄ W. fecisse, ordinasse, constituisse, et in loco meo posuisse dilectos mihi in Christo R. F. et W. S. meos veros et legitimos Atturnatos, coniunctim et diuisim, ad intrand̄ & possessionem capiendam pro me, et in nomine meo, de, et in p̄d̄ manerijs, terris, tenementis, reuersionibus, et seruitijs, cū omnibus suis pertinentijs, et post huiusmodi possessionem sic inde captam et habitam, deinde pro me, et in nomine meo, plenam et pacificā possessionem et seisinam inde p̄fatis W. et I. aut eorum in hac parte atturnat̄ siue atturnatis deliberandum, secundum tenorem, vim, formā, et effectum huius p̄sentis charte meæ: Ratum et gratū habens et habiturus totum et quicquid p̄d̄ Atturnati mei seu eorū alter nomine meo fecerint, vel alter eorum fecerit in p̄missis. In cuius rei &c. Dat̄ &c.

A Feoffement in fee on a decree in the Chancerie.

Sect. 239

SCiant &c. q ego I. B. ad instanciam et specialem requisitionem R. P Rectoris vigore et auctoritate cuiusdam decret̄ super petitionem eiusdem R. P. in Cancell̄ domin̄ Regin̄ de et super maner̄ de L. cum pertinen̄ in Com̄ E. versus me habit̄: Tradidi, dimisi, liberaui, et hac presenti charta mea confirmaui eidem R. prędict' maner̄ cum pertinentijs p̄fat̄ R. hæredibus et assignat̄ suis in perpetuum ad vsum eiusdem I. hæred̄ et assignatorum suorum, secundum vim, formam et effectum decreti p̄dicti. Habendum et tenendum &c. In cuius rei testimonium &c.

A Feoffement of the moitie of a Manor recouered by a writ of Entrie in the Poſt.

SCiant &c. quod ego I. D. pro ſumma quadraginta lib. &c. mihi per R. F. præmanibus ſolut, de quibus quidem xl. li. fateor me plenarie fore ſatisfactum & perſolutum, dictumque R. hæredes, executores, & adminiſtratores ſuos inde eſſe acquietos & exoneratos per præſentes: Dedi, conceſſi, & hac præſenti charta mea confirmaui eidem R. medietat̃ manerĩ de S. cum pertinentijs, ac vnius meſuag', vnius gardini, xx. acrar̃ terr̃, x. acr̃ prati, xl. acr̃ paſtur̃, & xx. ſolid̃ reddit̃ cum pertinentijs in T. & C. in com̃ B. Quam quidem medietatem omnium & ſingulorum præmiſſorum cum pertiñ, ego p̃d̃ I. D. in curia dom̃ reg' coram I. B. milite, & ſocijs ſuis Iuſtic' ipſius dom̃ reg' apud W. nuper recuperaui verſus N. P. et I. vxor̃ eius, per breue dict' dom̃ reg' de ingreſſu ſuper diſſeiſinam in le Poſt, prout inter record̃ de termino S. Hillarij, anno regni Henrici viij. &c. plenius apparet. Habendum et tenẽdum totam p̃d̃ medietatem dictorum manerĩ, terr̃, et tenementorum, ac cæterorum præmiſſorum cum ſuis pertinentijs præf. R. hæredibus et aſſignatis ſuis in perpetuum &c. *vt in aliis chartis precedent'.* Sect. 240.

A Feoffement in fee of lands by Executors, &c.

OMnibus Chriſti fidelibus ad quos hoc præſens ſcriptum peruenerit, W. et I. executores teſtamenti R. W. &c. Salutem in dño ſempiternam. Cum p̃dictus R. per teſtamentum lectum & proclamatum in Huſtingo Londoñ certo die &c. proxim̃ poſt feſtum Sanct̃ Barnabe, anno reg' H. viij. &c. xix. dederit et legauerit I. vxori ſuæ, tria tenementa ſua cum pertiñ que habuit in dicta Ciuitate, vnde vnum tenementum ſituatum eſt & iacet in parochia S. Mar̃ virginis in Fanchestrete, inter tenẽtum &c. Et aliud tenẽtum ſituat̃ eſt &c. Et tertium tenementum ſituat̃ eſt &c. Habend̃ et tenend̃ p̃dicta tria tenementa cum ſuis pertinentijs, p̃fat̃ I. ad terminum vitæ ſuæ. Et poſt deceſſum p̃dict̃ I. voluit et legauit antedictus teſtator, quod p̃dict̃ tria tenementa cũ pertinentijs Agnet̃ fil' hæred̃ de corpore ſuo legitimè procreatis integrè remanerent, et pro defectu hæredis de corpore eiuſdem Agnet̃ legitimè procreati, voluit & legauit prædictus teſtator, quod prædicta tria tenementa cum ſuis pertinentijs, nobis prædictis W. & I. et executoribus noſtris integrè remanerent ad vendendum, Sect. 241.

& pecuniam suã inde percipiendam in operibus charitatis disponend, prout in eodem testamento plenius continetur. Et quia prædictus I. obijt, & prædictus A. similites sine hæredibus de corpore suo legitimè procreat decessit: Sciatis nos præfat W. & I. executores dicti testamenti præfat R. auctoritate dicti testamenti, dimisisse, concessisse, & hoc præsenti scripto nostro confirmasse, ac pro quadam pecuniæ summa inde in complementum executionis dicti testamenti præ manibus solut, vendidisse R. L. de Lond Civi & Mercatori London, prædict tria tenementa cum suis pertinentijs. Habendum & tenendum eidem R. hæred &c. In cuius rei &c.

A Feoffement in London.

Sect. 242. Ciant &c. quod nos C. T. & K. T. dimisimus & feoffauimus W. R. filio W. R. I. W. & I. R. de Lond, duo tenementa nostra cum domibus, cellarijs, solarijs, gardinis, & omnib' alijs suis pertinentijs situatis in vico vocat S. M. in parochia sanct' A. super Cornehil Lond, scilicet inter &c. Quæquidem &c. cuius pertinentijs nos præd C. T. et K. T. nuper habuimus coniunctim, ex dimissione et feoffament præd W. R. filij dicti W. R. et I. R. fratris eius, prout in quadam charta per præfat. W. R. & I. R. inde nobis confecta, cuius datum est &c. continetur. Habendum et tenendum prædicta tenementa &c. Dat &c.

A Feoffement in fee of a Hundred.

Sect. 243. Omnibus Christi fidelibus ad quos præsens scriptũ puenerit, R. R. Miles salut in dn'o. Cum dn's rex nunc 21. die Maij, anno regni sui 25. per literas suas patentes dederit et concesserit mihi præfat R. R. inter alia Hundred de B. in comitatu B. cum omnibus iuribus, finibus, amerciamentis, wrec' maris, & alijs emolumentis & commodatibus eidem Hundred debit spectantibus siue pertinent quouismodo. Habend & tenend hundred præd, ac cætera præmissa cum pertinen mihi præf. R. R. hæred & assignatis meis de dicto dn'o rege & hæred suis, per seruicia inde ab antiquo debita & de iure consueta in perpetuum, prout in eisdem literis plenius continet. Noueritis me præf. R. R. per presentes, dedisse, concessisse, & confirmasse, & virtute & auctoritate licentiæ mihi p dictum dominum regem, p dictas literas suas patentes concess. reuerendo in Christo patri et dn'o R. permissione diuina B. & W. Episcopus, R. L. militi, R. B. I. H. ciuibus & Aldermanis London, & W. C. seruienti meo prædictum hundredum de B. cum omnibus &c.

Habend

Habend & tenend idem hundred &c. ac cętera præmiſſa cũ pertinent præfat Epiſcopo R. L. R. B. T. H. & W. C. hæredibus & aſſignatis ſuis, de dicto domino rege & hæredibus ſuis, per ſeruitia inde ab antiquo debita, & de iure conſueta imperpetuum. Et ego vero &c. warrantizabimus &c. Et vlterius noueritis me præfat R. R. per preſentes, feciſſe, conſtituiſſe, & in loco meo poſuiſſe dilectos &c.

A Feoffement in fee to the Husband and Wife.

SCiant &c. quod ego R. B. dedi &c. A. T. de eadem & E. vxori ſuæ, totum illud meſuag' meum quod ego habeo in dicta villa de S. ſituatum &c. Habendum & tenendum &c. In cuius &c. Sect. 244.

A Feoffement in fee of Copihold lands.

OMnibus &c. T. B. Miles dominus manerij de W. in com' E. ſalutem in domino ſempiternam. Cum I. M. ad Curiam tentam apud manerũ de W. prædict' die Lunę proximo poſt feſtum S. Hill' Epiſcopi, anno &c. pręſens in cur ſurſum reddidit in manus domini manerij prędict' duo tenemẽta hæreditabilia, vnde vnũ eſt cum domibus edificat, & aliud tenementum non edificat, ac cert terr marisc' eiſdẽ tenementis ſpectant cum omnibus ſuis pertinentijs, quondam vocat H. iacent in W. præd, ad opus W. T. & vxor eius, & hæred ſuorum. Quibus dominus per Seneſchallum ſuum conceſſit indeſeiſinam, tenendum eiſdem W. & I. vxori eius, hered' & aſſign' per virgam ad voluntatem domini, ſecundum conſuetudinem manerij, per ſeruitia & conſuetudines inde debita, & de iure conſueta imperpetuum, prout per rotulum curię prædict latius patet. Paſteaque præd I. obijt viuente præd W. viro ſuo, & idẽ W legitim' poſſeſſionat exiſtens, de, & in prędict' duob' tenemẽtis ac cęteris prędmiſſis vt prędict' eſt in forma prędict', eadẽ duo tenemẽta ac cætera præmiſſa cũ eorum ptinent' in manus meas nup ſurſum reddidit, ad intentionem quod ego prædicta duo tenementa ac cętera prędmiſſa cum ſuis pertinentijs, per chartam meam ſigillatam cuidam R. T. dimitterem, traderem, liberarem, & confirmarem. Sup quo ſciatis me præfat T. B. pro quadam pecuniæ ſumma &c. dimiſiſſe, tradidiſſe, liberaſſe, & hoc preſenti ſcripto meo indentato cõfirmaſſe pręfat R. D. prędict duo tenementa, ac pred terr & marisc' eiſdem tenementis ſpectãt, cũ omnibus ſuis ptinentijs. Habend' m &c. præfat R. D. hæredibus & aſſignatis ſuis libere, quiete, bene, & pacifice per chartam imperpetuum. Reddendo inde annuatim mihi præfat. T. B. & hæredibus & Sect. 245.

aſſignatis

assignatis meis dominis manerij prędicti pro tempore existen, decem solid' legalis monet Angliæ ad festa Pasch' & S. Mich. Archang' per equales portiones, & sectam curię in manerio meo præd' cum acciderit. Ac etiam vltra hoc reddendo ad quamlibet alienationem seu venditionem prædict' duorum tenementorum, ac cæterorum præmissorum p̃dict' mihi & hæredibus meis dominis manerij prædict' pro tempore existen viij. s. legalis monet Angl' pro omnibus reddit, seruitijs & demandis quibuscunque. Ita quod si & quoties contingit prędict annualem reddit x. s. aut prędt reddit viij. s. aut dictam sectam cur, cum vt præfertur solui debeat, aretro fore in parte vel in toto post aliquę terminum solutionis inde prælimit contra formā prædictam, quod tunc & toties bene & liceat & licebit mihi p̃fa. T. B. hęred et assignatis meis dominis manerij p̃dicti pro tempore existen, in p̃dict duo tenementa, terras, & maresc' præd, & in quamlibet inde parcellum intrare & distringere, districtioneſque sic ibidem captas licite asportare, abducere, effugare, decariare, & penes se retinere, quousque prædt reddit sic aretro existen, et omnia inde arrerag' si quæ fuerint, nobis plenariè fuer satisfact et persolut. Ac insuper noueritis me prefat. T. B. feciſſe, ordinasse, &c. *vt in alijs chartis.*

A Feoffement of lands in auncient demesne recouered there by fine.

Sect. 246. SCiant &c. quod ego I. D. vendidi, dedi, concessi, & hac præsenti charta mea confirmaui I. S. illas tres toftas terrę cum pertinen voc' C. prout insimul iacent apud H. infra parochiam de H. in com B. viz. inter terras &c. Ac etiam quendam annualem reddit trium solidorum & nouem denariorum, leuand & percipiend de tenement sequent, scilicet de R. B. pro vno tenemento & certa terr in H. vocat G. ij. s. vj. d. & de N. P. pro vno tenemento et vno gardino adiacente in H. prædt vocat P. xv. denar ad duos anni termin, viz. ad festa Pasc' & S. Mich. per equales porciones annuatim soluend, quæ nuper habui à T. M. & A. vxore eius, virtute cuiusdam finalis concordiæ fact' in Curia dominæ K. reg' Angl' prechariff. consortis H. viij. Dei gratia Anglię &c. maner sui de H. ibidem tenta decimo die Februar anno regni dicti domini regis 35. coram A. B. & C. D. balliuis ipsius reginę maner sui prędict, ac P. D. R. C. I. W. & E. K. sectatoribus curiæ illius, inter me prefat. I. D. quer, & prędict T. M. & A. iam vxor eius deforc', prout in fine prædt liquet manifestè. Habendum &c. *vt in alijs chartis.*

A Feoffe-

A Feoffement to the intent to reinfeoffe.

SCiant &c. quod ego M.C. dedi &c. W.B. totum illud meſuagium &c. Habend &c. pfat W.B. et heredibus ſuis &c. ad eam intentionem quod idem W.B. aut heredes ſui infra decem dies proxim ſequent poſt datū huius pſentis chart meæ, refeoffabit ſeu refeoffari faciet me pfat M.C. ac quoſdam I.K. et A.C. quam quidem A. idem I. Deo fauente ducet in vxorem, de et in pdicto meſuagio &c. Habend &c. mihi præfat M.C. et aſſignatis meis, ad ſolum vſum mei ipſius M. pro termino vit meæ, abſq; impetitione alicuius vaſti. Et poſt deceſſū mei ipſius M. tunc habend et tenend prędictū meſuagium &c. præfat I.K. & A. et eorū vtriq; diutius viuenti et hæred maſculis de corpore ipſi I.K. legitimè procreat, ad ſolū vſum ipſorum I. et A. et eorū vtriuſque diutius viuentis et hæred maſculis de corpor dict' I. legitim procreat. Ita q pro defectu hæred maſculi de corpore dict' I. legitim procreat, præd meſuagiū &c. poſt deceſſum ipſorū I. et A. integrè remaneat mihi pfat M. et hæred meis imperpetuum &c. *vt in alijs chartis.* Sect. 247.

A reſeoffement.

SCiant &c. quod nos T.P. et W.S. ad ſpecialem inſtantiam I.M. dimiſſimus, tradidimus, feoffauimus, liberauimus, et hac pſenti charta noſtra confirmauimus eidem I. ac M. vxori eius totum illud meſuagiū &c. Quod quidem meſuagium cum prædictis duobus acris terræ cum pertinentijs, nos pnominati T.P. et W.S. nuper coniūctim habuimus nobis et hęred noſtris imppetuum, ex dono, conceſſione, feoffamento, et chart confirmatione I.M. prout in quadam charta cuius dat eſt primo die Auguſti vltimo præterito, ante dat præſentium inde nobis cōfect', plenius apparet. Habend &c. In cuius rei teſtimoń &c. Sect. 248

A Feoffement of lands given by Teſtament.

SCiant &c. quod ego I.M. dedi, conceſſi, et hac præſenti charta mea indentata confirmaui T.P. et W.S. vnum meſuag' &c. Quod quidem meſuagium &c. nuper fueruut N.F. defuncti. Et quæ idē N. per ſuum teſtamentum et vltimam voluntatem factum et declaratum in ſcript, ſecundū formam ſtatuti inde prouiſi, mihi præfato I. et hęredib' meis nuper dedit et legauit, prout in teſtamento vltimæ voluntatis prędict, cuius dat eſt primo die Maij, anno Domini &c. et anno Sect. 249

regni

regni Henrici octaui Dei gratia &c. plenius continetur. Habend̄ ſub forma & conditione ſequentibus, viz. quod predict̄ T. B. & W. S. vel hæredes aut aſſignati ſui cum inde requiſit̄ fuer̄, refeoffabũt me præfatũ I. M. ac quandam M. vxorem meam, de, & in prædicto meſuagio &c. Habendum & tenendũ nobis prefat̄ I. & M. ac heredibus & aſſignatis meis predict̄ I. imperpetuũ. In cuius rei teſtimoniũ vni parti preſentis chart̄ meæ indentat̄ penes prefat̄ T. & W. remanent̄, Ego predict̄ I. M. ſigillum meum appoſui. Et quia idem ſigillum meum quam pluribus eſt incognitum, ideo ſigilla honeſtorum virorum R. R. R. S. & E. K. teſtium in teſtamẽto & vltima volũtate predict̄ N. F. nominator̄, & ſpecialiter vocat̄, præſentibus appoſui & apponi procuraui. Et nos predict̄ R. R. & E. ad ſpecialem inſtantiam & perſonalem rogatum predict' I. M. preſentibus ſigilla noſtra appoſuimus in fidem & teſtimoniũ omnium premiſſorum: Alteri vero inde parti penes me prefat' I. M. reſidenti, predict' T. P. & W. S. ſigilla ſua appoſuerunt, Dat̄ &c.

A Feoffement of a Manor.

Sect. 250. OMnibus Chriſti &c. ad quos &c. peruenerit, E. N. Miles cancellarius Curiæ augmentationum Coronæ domini regis, Salutem in Domino ſempiternam. Sciatis quod ego præfatus E. N. virtute vigore & aucthoritate licentiæ reg. ad infraſcript̄ faciend' præmiſſ. habit̄ & obtent̄, ac pro quadam pecuniæ ſumma mihi præfat' E. per I. W. Milit' Theſaurar̄ Curię predict', prę manib' bene & fideliter perſolut', tradidi, feoffaui, vendidi, barganizaui, & hac præſenti charta mea, confirmaui I. W. totum illud manerium meum de R. in comitatu O. cum ſuis membris & pertinentijs vniuerſis, nuper Monaſterio de S. dudum ſpectant' & pertinentibus. Necnon patronat', aduocation', nomination', preſentation', & ius patronatus Eccleſiæ & rectoriæ de R. in comitatu O. dict̄ nuper Monaſterio de S. dudum ſpectantia & pertinentia, ac etiam omnia & ſingula maneria, meſuagia, grangia, molendina, domos, ædificia, hortos, columbar̄, pomar̄, gardina, terras, tenementa, prat̄, paſtur̄, & paſcua, boſcos, ſubboſcos, vias, communias, aquas, piſcat̄, ſtagna, viuar̄, eſtuar̄, parcos, warren', vaſta, moras, iampn', bruer̄, mariſcos, tam ſalſos, quam dulces, reuerſiones, ſeruic', reddit', & proficua ſuper quibuſcunque dimiſſionibus & conceſſionibus reſeruat', reddit' & firm' omnium tenementorum & firmariorum ad terminum vitæ & annorum per copiam Curiæ & cuſtomar̄, reddit' ſeruic', redit' oneris, redit' ſiccos, annuitates, ac feod' firm', feod' militũ cur̄, letas, viſ. franc' pleg', ac omnia quę ad viſ. francipleg' ptinẽt, natiuos, & villanos

villanos cum eorũ ſequel',& bona & catalla waniata,bona & catalla felon & fugitiuorum,vtlagatorum,attinctorum,& in exigendis poſit̃,eſchaet',releuia,extrahur̃,libertates,franchef.iur̃,iuriſdictiones,priuilegia,& omnia alia proficua,commoditates,poſſeſſiones,& hæreditamẽta mea quæcunq;,cũ eorum pertin̄ vniuerſis,ſituat̃,iacent̃,& exiſtẽ in villa,campis,parochia,ſeu hãlet̃ de R.parua in dicto com̃ O. Ac etiam reuerſiones & reddit̃ omnium & ſinguloꝝ præmiſſoꝝ & cuiuſlibet inde parcell',ac omnes & ſingulos boſcos & ſubboſcos,& arbores quaſcunq; ſuper eiſdẽ creſcent̃ ſiue exiſtent̃,Adeo plenè,liberè,& integrè,ac in tã amplis modo & forma,ac cum oĩbus eiſdem & huiuſmodi & conſimilibus libertatibus,priuileg. iuriſdictionibus,frãcheſijs,iuribus,proficuis & commoditat̃ quibuſcunq;, prout dictus Rex nunc Henr̃ octauus Dei gratia &c. per lras ſuas patentes ſub magno ſigill' ſuo Angliæ confectas, gerentes datum apud Weſtmonaſterium decim̃ octauo die &c. anno regni ſui &c. mihi præfat̃ E.N. ac hæredibus & aſſignatis meis iamdudum inter alia dedit & conceſſit,& adeo plene,libere, integre,& in tam amplis modo & forma, prout premiſſa aut aliquam inde parcell' modo habeo,ſeu habere debeo,ratione,vigore,& virtute dictar̃ literarũ patentiũ inde mihi vt præfertur confect̃,aut aliter quocunq; modo. Habend',tenend',& gaudend' pd̃ manerium de R. & prædicta meſuagia, terras, tenementa, prata, paſcua, paſturas,reddit̃,reuerſiones,ſeruitia, aduocationes,&c. ac cẽteraq; præmiſſ' ſupervius expreſſa & ſpecificat', cum eorũ pertinẽ vniuerſis ptẽfato I.W. ac hæred' & aſſignẽ ſuis imperpetuũ,ad ſolũ & proprium opus & vſum ipſius I.W. hæredum & aſſignẽ ſuorum imperpetuum. Reddendo inde annuatim dicto dño Regi,heredibus & ſucceſſoribus ſuis x.li. bonæ & legalis monetæ Angl',ad dictã Curiam Augmentationum reuenc' Coronæ Regiæ, ad feſtum ſancti Michaelis archangel' ſingulis annis ſoluend' pro omnibus alijs ſeruitijs, ſectis,& demandis quibuſcunque eidem domino Regi, hæredibus vel ſucceſſoribus ſuis quouiſmodo reddend',ſoluend',vel faciendis,Tenend' &c. In cuius rei &c.

Linsse

Liuerie of seisin.

Sect. 251. ALbeit deedes of Feoffement thus made bee sealed and deliuered by the Feoffor vnto the Feoffee, and openly read, yet the things in such Charters contayned, passe not without liuerie of possession and seisin, Litt. sect. 59. & 60. For no feoffement can be made without Liuerie of seisin, It is meete therefore I should shew what Liuerie of seisin is, and to what end it was inuented, and how it ought to bee made. It is termed in Latin, Traditio possessionis, Inuestitura, vulgo deliberatio seisinæ, which is nothing else, but datio possessionis, for Tradere non significat rei proprietatem dare, sed rem ipsam accipienti porrigere, eiusue possessionem ad illum transferre: wherefore we may well define Liuery of seisin to be a ceremonie in our Law, vsed in the conueying of lands or tenements, or other things corporall (for of things incorporall no Liuerie of seisin may be) by feoffement from one man to another in fee simple, fee taile, or for the terme of life, as an agreement or token of the willingnesse of the Feoffor to depart with, and of the feoffee to retaine the things whereof the feoffement is made. Which was ordained at the first, that the common people might thereby haue notice of thalteration of such estates, and so better know in whom the right thereof remained, for their common quiet and repose, Perkins 209. 210. Bract. li. 2. ca. 18. sect. 12. The vsuall manner of deliuerie of seisin of houses, lands, tenements, is, that the feffor and feoffee if they be present, or in their absence, their Procurators, or Atturneys (by sufficient warrants of Atturny in writing) do come to the house or place whereof seisin is to be deliuered: And there in the presence of sundrie good witnesses openly read, or cause to be read, the deed of feoffement, and letter of Atturney thereof, or to declare the verie effect thereof before them in English. Which being so done, the feoffor or his Atturney, must take a clot of earth, or a bough, or a twig of a tree thereupon growing, or the ring or hasp of the dore of ỹ house, and deliuer the same with the said deede vnto the feoffee or his Atturney, saying: I deliuer these vnto you in name of possession and seisin of all the Lands and Tenements contained in this deede, to haue and to holde according to the forme and effect of the same deede. If the feoffement bee without deed (as it may well be) then at the time of the deliuerie of seisin, must bee expressed the very estate which the feoffee must haue thereby. In deliuerie of seisin, all persons hauing any lawfull

full possession or seisin in the thing, of which seisin is to bee deliuered, ought either to ioine together in the making of the Liuerie of seisin, or to be remoued thence, as lessees for yeares, or for life: for euerie Liuerie ought to bring an immediate possession vnto the feoffee, Littleton sect. 61. & 418. Also if the feoffement be of diuers parcells of landes, lying in seuerall townes in one Countie, Liuerie of seisin in any part thereof sufficeth for all, if they be then in the feoffors possession and out of Lease. But if they bee in diuers Counties, or in Lease, or out of his possession, it is conuenient that he enter into euerie parcell thereof, and make Liuerie of seisin in euery seuerall parcell thereof, for he can giue no possession vnto his feoffee if he haue it not in himselfe at the very instant of the deliuery of seisin made, Littleton ca. 8. sect. 1. And Bracton saith, Non iacebit seisina aliquo tempore medio vacua. By liuery of seisin the feffor transferreth vnto the feffee all that he hath in the things whereof the liuerie is made, according to the state thereupon limited. If two seuerall deeds of feoffement be made to two seuerall persons of one selfe thing, it passeth vnto him vnto whom seisin is first deliuered, according to the verse:

Rem domino vel non domino vendente duobus,
Iniure est potior, traditione prior.

Where the gift or graunt is of Lands or Tenements in lease, they commonly passe by Attournement of the particular tenants thereof, and not by liuerie of seisin. And the like order is to passe things which cannot passe but by graunt in writing, as seruices, reuersions, remainders, rents, commons &c. of which it shall bee intreated in the chapter of Grants, Litt. sect. 283. And by euery Liuerie of seisin passeth an estate of freehold at the least.

The manner of indorsing or entring of Liuery vpon deeds of feoffement by the feoffor to the feoffee in their owne person. Thus.

MEmorand, quod decimo die Martij, ann &c. plena & pacifica pos- Sect. 252.
sessio & seisina de manet & tenemētis infrascripcat cum pertin, data & deliberata fuit p infranominat A.B. infranominat C.D. in p̄p̄rijs personis suis, secundum vim, formam, tenorem, & effectum chart infrascript, in presentia eorum quorum nomina subscripta sunt, viz. A. B. C. D. E. F. & aliorum. Subscribing the names of the witnesses present thereat.

Or by their Attorneys thus:

Sect. 253. Memorand', quod decimo die Maij, anno 38. El. Reg. &c. plena & pacifica possessio & seisina de tenementis infrascript' cum ptin' &c. data & deliberata fuit p E.F. & E.H. attorn' infranominat' A.B. cuidã G.H. attorn' infranominat' C.D. virtute seperal' literar' attornat' eis inde cõfectar', iuxta vim, form', tenorem, & effectum chartæ infraspec', & literarum attornat' præd', *vt supra*.

Or thus:

Per infranominat' E.F. attornat' præd' A.B. iuxta &c. *vt supra*. Or to the like effect in Latin or English.

Of letters of Attorney to give and receive seisin, shall bee spoken in their place: Albeit they may bee inserted in the deedes of Feoffement, *vt supra*.

A Gift in Great intaile.

Sect. 254. OMnibus Christi fidelibus ad quos hoc præsens script' indentat' peruenerit, H. Comes A. salut' in dom' sempiternã. Sciatis me pf. H. Com' A. tam p & in consideration' summæ &c. bon' & legalis monet' Angl' mihi pf. Com' p F.B. & S. gen' præ manibus bene & fidelit' psolut', vnde fateor me pf. Comitem plenar' fore satisfactũ & persolut' eundemque F hæred', execut', & administr' suos inde plene acquiet' & exonerat' esse per præsentes, q̃ etiam in parte cõplement' quarundã conuention' & agreamentor' content', declarat', & specificat', in quibus' Indent' fact' int' me præf. C. & I. D. & I.L. vxor' dict' filiam meã dict' Com' ex vna pte, & pf. *F.B.* ex altera parte gerẽ dat' &c. anno regni dom' nostræ Elizab. Reg' nunc quinto, tradidisse, concessisse, & hoc præsenti scripto meo confirmasse præf. *F.B.* omnia illa tras, tenementa, prata, pascua, pastur', boscos subboscos, liberas communias, et hæred', iacent' siue existent' in C. et S. in hoc præsenti script' indentat' inferius express. declarat', seu specificat', omnibus & omnimodis libertatibus, regalitat', iurisdictionibus, priuilegijs, & francheſijs, de, et in eisdem terris, tenemẽtis, & cæteris pmissis, et in qualibet inde parcel' mihi pref. Com', hæred', et assignatis meis tantummodo et omnino excep't et reseruat', viz. omnia illa terras, tenementa, prata, pascua, et pastur', modo vel nuper parcel' terr' dominical' prædicti manerij de S. in dicto com' S. vocat' seu cognit' per nomen vel nomin' de B. alias B. street meadow, great B. meadow, Poole head, ac B. meadow: Ac etiam totam illam parcel' terræ ibidẽ vocat' le hill under B. Ac totam illam aliam parcellam terræ ibidem adiacent' gardino prædicto *F.B.* in longitudine &c. inter domum dicti *F.* ibidem

nouo

nouo ædificaꝫ,& quendã campum ibidẽ vocaꝫ N. & in longitud̃ inter meſſ. dict' F. & alt̃ viam ibidem ducent̃ ad &c. Ac etiam totam illam aliam parcell' terr̃ ibidem vocaꝫ le R. Ac etiam totã illã acr̃ terr̃ vaſti ibid' incen' inter le B. & le C. Ac etiam totum illum aquæ curſum vocaꝫ ſiue cognit̃ per nomen de le C. per vel ſuper dict' acram terr̃ vaſti modo curren' cum omnibus & omnimod' commijs & proficuis, membris commoditatibus & pertin' vniuerſ. dict' premiſſis ſeu alicui inde ꝑcell' quoquo modo ſpectan' ſiue pertin', aut vt membr̃,partes vel parcell' præmiſſ. prius conceſſor̃,ſeu alicuius inde parcell' communit̃ ante hac habit̃, cognit̃,vſitaꝫ,locaꝫ, ſeu demiſſ, exiſten'. Ac omnes & omnimod' boſcos, ſubboſcos,& arbores ſuas quaſcunque,de,in,& ſuper prẽmiſſ.ſuper preconceſſ. creſcen' ſiue exiſten', ac ſolũ & fundum eiuſdem boſci, necnon rem' & reuerſiones quaſcunq; ſinguloꝝ premiſſ. & cuiuſlibet inde parcell',& reddit̃,& alia annual' profic, quæ cum, de, vel ſuper quibuſcunque dimiſſionibus ſiue conceſſionibus præmiſſorum & cuiuſlibet inde parcell' quoquomodo reſeruaꝫ ſiue habit̃ ſint, vacua, libera, vel communia, in omnibus terr̃ ſeu vaſtis meis infra manerium ſiue dominiũ meũ predict',& in qualibet inde ꝑcell. Habend̃ & tenend̃ omnia & ſingula pred̃ terr̃,tenem. hæredita. & cætera omnia & ſingula premiſſ. ſuperius expreſſ. & ſpecificaꝫ, cũ omnibus & ſingulis ſuis ptinen' præf. F.B. & hæred̃ de corpore ſuo legitim' ꝓcreaꝫ,& ꝓcreand̃. Et pro defectu talis exitus, remanere inde R. B. filio cuiuſdam R. B. de B. in com' S. gen' & hęred̃ de corpore ſuo legitim' procreaꝫ, & procreand̃. Et pro defect' talis exitus,remanere inde hæred̃ cuiuſdã I. B. pr̃is predict' F. B. defunct', & de corpore ipſius I. legitim' procreaꝫ & procreand. Tenend̃ de me prefaꝫ Com' A. hęred̃ & aſſign' meis vt de manerio meo de S. pred̃ in dict' com' S. in liber̃ focagio & non aliter,viz. ꝑ fidelitaꝫ,& ſect' cur̃ manerij de S. predict' vz. ad duas cur̃ ibidẽ ſuꝑ rationabiles monition' vel notitias ann' tenend̃ (vocaꝫ **le great Courts**) & reddend̃ inde annuaꝫ mihi prefaꝫ Comiti hęred̃ & aſſign' meis &c. ad feſta &c. Et annuaꝫ ſoluend̃ ꝑ equales portiones, ac reddend̃ inde mihi præf. Com' hæred̃ & aſſign' meis poſt mortẽ cuiuſlibet tenen' de predict terr̃, ten', & cæter̃ premiſſis vnã Harietam,vz. optimũ animal cuiuſlibet tenentis, vel 33. s. legal' monetæ Angl' ꝑ qualibet harier̃ de tempore in tempus capiend̃ ſeu recipiend̃, ad election' mei præfaꝫ Comit̃ hæred̃ & aſſign' meoꝝ capiend̃ ſiue recipiend̃: Ad faciendum & reddend̃ mihi præf. Comiti hæred̃ & aſſign' meis omnia alia onera & ſeruitia quæ pro premiſſ.ſeu aliqua inde parcell' ꝑ hoc preſens ſcript̃ prius conceſſ. ante hoc tempore guerr̃ fieri conſuet̃ fact̃ per conſuetud̃ maner̃ pred̃ ꝑ omnibus alijs ſeruitijs,releuijs,exactionibus,rebus,

& demand' quibuſcunq; proinde quocunq; modo reddend', ſoluend', vel faciendum. Et ſi contingat præd' reddit', ſectam cur', vel hariet', vel ſummã præd', ac alia oner' reſeruat' in forma præd', aut aliquã inde parcellam aretro fore in parte vel in toto poſt aliquod feſtũ, aut tempus præd' ad q̃ ſolui vel fieri debeat aut debent, q̃ tunc bene licebit mihi præfat' Comiti hæred' & aſſign' meis, in omnia & ſingul' præd' terr', tenemẽt', & cętera præmiſſ. cũ pertin' & quamlibet inde parcell' intrare & diſtringere, & diſtrictiones ſic ibid' capt' & habit' aſportare, effugare, & penes me retinere, quouſq; de eiſdẽ ſeruitijs, reddit', oneribus, & hariet', & ſumma præd' plenar' ſatisfact', content', & perſolut' fuero, ſeu aliquis noſtr' perſolut' fuerit. Ac etiam ſi contingat præd' F. B. aut aliquem hęred' de corpore ſuo legitim' ꝓcreat', aut aliquem hered' de corpore præd' I. B. pris legit' ꝓcreat' ad aliq̃ tempus impoſterũ præd' terr', tenement', & cęter' præmiſſ. aut aliquã inde parcell' alienare, diſcontinuare, vel vendere, per aliquã recuperationem ad communem legem, aut aliter, quod eiſdem alienationibus, venditionibus, aut recuperationib⁹ non obſtant' bene liceat & licebit præf. mihi Com', hęred' & aſſignat' meis in omnia prędict' meſuag', tenement', & cæter' præmiſſ. cũ pertin' & quamlibet inde parcell' intrare & diſtringere pro eiſdem vel conſimilibus reddit', ſect', cur', hariet', ſummis, ſeruitijs, & al' onerib⁹ præd', vt ſupradictũ eſt, ſecundum veram intention' huius præſent' ſcript' mei inde confect'. Ac ſi forte eueniat præd' reddit', hariet', ſummam ſect' cur', aut alia ſeruitia & onera præd' extingend' aut determinand. fore, ratione alicuius recuperationis, quod tunc etiam bene liceat, & licebit mihi præf. Com', hæred' & aſſign' meis in omnia præd' terr', tenement', & cæter' præmiſſ. cum ſuis pertin', & quamlibet inde parcell' intrare & diſtringere vt ſupradict' eſt, pro tantis & conſimilibus reddit', hariet', ſummis, ſect' cur', & alijs ſeruitijs & onerib⁹ ſuperius per præſent' mihi præf. Com' & hæred. meis reſeruat', aliquibus alienationibus, diſcontinuationibus, venditionibus, ac recuperationib⁹ in contr' non obſtãte. Prouiſo tamen ſemper q̃ prædict. Comes, hęred. neque aſſignat' ſui colore præmiſſ. aut alicuius in eodem ſpecificat' habebunt neque percipient, nec habere aut percipere clamabunt ſeu vindicab. pro præmiſſ. duos ſeperal' reddit. fect. cur', ſeruic. & onera præd. nec color præmiſſ. diſtringant aut diſtringere poſſint ſeu valeant in præmiſſ. neque in aliqua inde parcell. pro eiſdem, aut pro aliqua inde parcell. contra veram intentionem huius preſentis ſcripti inde confect. Et ego vero præd. comes & hęred. mei omnia prędict. terr', tenement. hereditament. & cetera' præmiſſ. cum omnibus & ſingulis ſuis pertin. pref. F. B. & her' ſuis pred. Et ꝓ defectu talis exitus prefat. R. B. & hæred. ſuis præd. Ac pro defectu

fecĩ talis exitus præf. hæred̃ præd̃ I.B. contra me pref. Com' & hered̃ meos, & contra omnes al' perſonam & perſon' claim', aut habentes, aliqd̃ ius, titulum, rectum, vel intereſſe, de aut in præmiſſ, ſeu in aliqua inde parcell', pro me præf. Com', hæred̃, vel aſſignatis meis warrantiz. & imperpetuum defendemus per præſentes. Et vlterius concordatum eſt, & prædict' F.B. pro ſe & hæredibus ſuis conuenit & concedit, ad, & cum præf. Com', hæredibus & aſſignaĩ ſuis, qd̃ ſi contingat præf. F.B. ſine hæred̃ aliquo de corpore ſuo legiĩ ꝓcreaĩ obire, aut ſi contigerit hered̃ omnes de corpoꝝ præd̃ I. legitimè procreaĩ ſine hæred̃ aliquo obire de corporibus eorum, aut de corpore alicuius eorum legitim' procreaĩ, qd. tunc & deinceps præd̃ H. pro defecĩ tal' exiĩ (vt prefertur) ac omnes hæred̃ dicĩ F.B. collateꝛ, ac omnes al' perſona & perſonę, & eorum hæred̃ qui tunc habebunt aliquod ſtatum, ius, titulum, ſeu intereſſe quouiſmodo, de, vel in præmiſſ. ſeu aliqua inde parcell', ſtabunt & erunt ſeiſiti, de, & in omnibus & ſingulis prẽmiſſis, ad opus & vſum eorundem perſonæ & perſonarum, ac hæred̃ ac aſſign' ſuorum, qui aliquo tempore poſtea habebunt aliquem ſtaĩ, vel &c.

A gift in generall taile tripartite, with remainders ouer.

SCiant &c. quod ego A.B. dedi, conceſſi, & hac preſenti charta mea tripartita indentaĩ confirmaui C.B. filio meo, totum illud ten'tum meum &c. in &c. Habend̃ & tenend̃ pred̃ tenemenĩ &c. præf. C.B. & hæred̃ de corpore ſuo legiĩ ꝓcreaĩ. Et ꝓ defectu heꝝ de corpore dicti C. legiĩ procreaĩ, volo q̃ præd̃ ten'tum cum gardin' ſuiſq̃ ptin' D.B. fil' meo natu minori integrè remaneat: Habend̃ & tenend̃ illi, & hered̃ de corpore ſuo legiĩ ꝓcreaĩ, de capitalibus dominis feodi. Et pro defecĩ hæred̃ de corpore ipſius C. legiĩ procreaĩ, volo qd̃ præd' ten'tum cum gardin' ſeu horto ſuiſq̃ pertin' integrè remaneat hæred̃ legitim' præd̃ C.B. imperpeĩ. Et ego vero prænominatus A.B. & hæred̃ mei prædicĩ tenemenĩ cum gardin' & ſuis pertin' præf. C.B. & hæred̃ de corpoꝝ ſuo legiĩ ꝓcreaĩ in forma pred̃ contra omnes gentes warrantizabimus, & imperpeĩ defendemus. In cuius rei teſtimoniũ duabus partibus huius chartę meæ tripartitæ indentatæ penes præf. C. & D. remanentis, ſigill' meum appoſui: Tertio vero parti eiuſdẽ chartę penes me præf. A.B. remanenĩ, præd̃ C. & D. ſigill' ſua appoſuerunt. His teſtibus &c.

Sect. 255.

Eodem modo de chartis Quadripartis, Quinquepartitis, & ſimilibus dicendum eſt.

A gift in the speciall taile.

Sect. 256. OMnibus &c. Dedisse &c. & concessisse, ac tenore præsentium dare & concedere A.B. totã domũ &c. Habend. tenend', & gaudend. dictam domum &c. præf. A.I. & hæred. masculis de corpore ipsius A. inter eundem A. & Eliz. vxorẽ eiusdem A. legitẽ procreatis & procreandis. Tenend' &c.

Another forme of speciall taile.

Sect. 257. PAteat præsentib' & futuris, quod ego A.B. dedi & concessi, ac per præsentes, do & concedo chariſſim' mihi in Christo D. & A. vxori eius, manerẽ meum &c. Habend' &c. præf. H.D. & A. vxori suæ, ac hær' masculis de corporibus eorum inter eos legitimè procreat is &c.

The forme of a gift in Frankmariage.

Sect. 258. SCiant &c. me M.H. de W. dedisse, & concessisse, ac præsenti charta mea confirmasse I. A. filio meo, & Marg' vxori eius, filiæ veræ T. N in liberum Maritag', vnum mesuag' &c. Habend' &c. præf. I. & M. vxorẽ suę, & hæred' de eorum corporibus legitim' procreat', de me, & hæredibus meis in perpet'. Et ego prænominatus W.H. & hæred' mei pred' mesuag' &c. præf. I. & M. vxori suæ, & hęr' de corund' corporib', legitimè procreat', contra omnes gentes warrãtizabimus, ac aduersus capital' dominos, cæteroſq; vniuers. acquietabimus & defendem' inperpet' per præsentes. In cuius &c.

Or thus.

Habend' &c. præf. H. & M. & hæred' quos procreabit de corpore M. vxoris suæ &c.

Or thus.

Habend' præf. H. & M. vxori eius, & hęred' de corpore præd' H. legitẽ procreat' &c.

Or thus.

Habend. præf. H. & M. vxori eius, & hæred. de corpore suo per præd. H. legitimè procreandis &c.

Feoffements to vses.

Sect. 259. SCiant &c. Quod ego I. B. in complementum & performationem quarundam conuentionum, concessionum, & agreamentorum, specificat' & declarat' in quibusdam Indenturis, geren' datum die dat'

dat̃ huius præſentis charť indentat̃ fact̃ inter me præfatum I.B. ex vna parte, et W.P. et G.P. ex altera parte, Conceſsi, feoffaui, et hoc p̃ſenti ſcript̃ meo indentat̃ confirmaui eiſdem W.P. et G.B. hęredibus et aſſignat̃ ſuis, omnia illa meſuag' &c. Habend' et tenend' &c. præfat̃ W. P. et G. B. hæred' et aſsignatis ſuis, ad opus, vſus, intentiõ, ac ſub conditione in dict' Indentura ſpecificat̃ et declarat̃, ſecundum formam effectum, et veram intentionem dictæ Indenturæ de capitalibus dñis &c. Et ego vero p̃dict' I. B. et hęred' mei omnia et ſingula dict' meſuag', terr̃, et tenementa, ac cętera præmiſſa, cum omnibus et ſingulis ſuis pertiñ præfat̃ W. P. et G.B. hęred' et aſsignatis ſuis, ad opus et vſum p̃dict̃, tam contra me præf. I.B. hered' et aſsigñ meos, quam contra hered' et aſsigñ R.B. nuper de N. warrantiz. et imperpetuum defendemus p̃ præſentes. In cuius rei teſtimonium &c.

A Feoffement vntill a certaine ſumme of money be paied.

SCiant &c. quod ego I. V. in complement̃ vltimę voluntatis C. D. demiſi, tradidi, liberaui, et hoc præſenti &c. H.T.I.T. et I.C. quã- Sect. 260
dam parcellam terræ meæ arabilis cum pertineñ, continent̃ &c. Quam quidem parcellam terræ inter alias terras et tenta, ego præd' I. V. ſimul cum T.C. &c. iam defuncto nuper conjunctim habuimus nobis, heredibus et aſsignatis noſtris, ad vſum dicti T.C. heredũ et aſsignatorũ ſuorũ, et ad inde perimplend' vltim̃ volunt̃ ipſius T. ex dimiſsione, liberatione, et chartæ confirmatiõ I.H. filię et hered' I.S. Habend' et tenẽd' p̃dictam peciam terr̃ cum pertineñ p̃fat̃ H.T. I.T. et I.C. heredibus et aſsignatis ſuis in perpetuum de capitalibus dominis &c. ad vſũ eorundẽ H.T.I.T. et I.C. hered' et aſſignat̃ ſuorum, donec et quouſq; idem H.I. et I. hered' et aſsignati ſui, de exit̃, reuentionibus, et ꝓficuis, prouenientibus de p̃dict' parcell' terr' cum pertineñ, fidelit' et plenarie content' fuerint et ſatisfact' de ſumma x. Marcarũ legal' monetæ Angl' vltra omnia onera et repriſ. iuxta voluntat' ſupradict' T.C. diſponenda. Et poſtquam dict' decem Mar' ſic plenarie perſolut' fuerint, quod tunc dicti H.T.I.T. et I.C. hered' et aſsignat̃ ſui ſint et exiſtant feoffati, de et in p̃dicta parcella terræ cum pertiñ, ad vſum Alicię, nuper vxoris dicti T.T. durante vita ipſius Alic', et poſt eiuſdem Alic' deceſsum, ac poſtquam predict' decem marce ſic plenariè p̃ſolut' fuerint vt p̃fertur, tunc ad vſum W.C. filij præd' T.C. ac hered' et aſsignatorũ ſuorum in perpetuum. In cuius &c.

A Feoffement to the vse of the Vendor, if he saue his sureties harmeles, and if not, to the Vendees vse.

Sect. 261. SCiant &c. quod ego E.M. in complementū & performationē cuiusdam bargania & venditionis per me quibusdam R.B. &c. et E. vxori eius nuper fact', necnon ad instantiam & specialem requisitionē ipsorum R.B. & E. vendidi, dedi, concessi, liberaui, feoffaui, & hac præsent charta mea indentata confirmaui pfato R. B. & E. vxori eius I.R. et C.S. totum illud &c. quæ ego prædict' E. nuper habui mihi hered' & assignat meis, ad solum opus et vsum mei ipsius E. M. hered' et assignatorū meorum, ex dono, concessione, et cartę confirmatione T. M. et A. N. prout per quandam cartam &c. Habend' et tenend' prædict' &c. præfat R. B. et E. vxori eius, hered' et assignatis suis ad opus et vsum, ac sub conditione sequenti, videlicet, Quod si pred' R.B. et E. vxor eius, hered' vel execut' sui exonerauerint aut indēnes conseruauerint, vel exonerar, vel indēnes conseruari fecerint, vel vnus eorū exonerauerit, aut indēnes conseruauerit, vel exonerari aut indēnes conseruari fecer I.R. C.S. et E.B. hered', executor, et administrat' suos, et eorum quemlibet, erga me prefat E.M. execut et administrat' meos, & alios quoscunque, de, et pro sperabilibus script obligat, geren dat' die dat' huius presentis chartę, In quibus predict' R.B. I.R. C.S. et E.B. coniunctim et diuisim tenentur et obligantur mihi prenominato E.M. pro debito antedicti R.B. ac pro perquisitione præmiss. in quolibet eorundem scriptorū obligatoriorum in summa xl. Marc', indorsat' cum conditione pro solutione &c. legal' &c. ad festum &c. annuatim soluend', prout per script predict' manifestius declaratur, ac de, et pro omnibus pecuniarum summis in suprādict' script obligat', & eorum quolibet specificat, quod tunc prędict' R. B. et E. vxor eius I.R. C.S. et E.B. et hered' sui erunt seisit', de, et in dicto messuagio cum ædificijs, gardin', et omnibus pertinentijs suis ad solum opus et vsum predictorum R.B. et E. vxoris eius, et hered' suorum, et tunc presens carta mea indentata, et seisina, de et in premissis cum suis pertinen liberat et capta, firmę sunt et stabiles ad solum opus et vsum pdict' R.B. et E. vxoris eius, hered' et assignatorum suorum imperpetuū per presentes &c.

Et si contingat pdict' R.B. et E. vxorem eius hered', executor', et assignat suos minime exonerare aut indemnes conseruare, nec exonerari aut indemnes conseruari facere prædict' I.R. C.S. et F.B. hered', executor, et administratores suos, et eorum quemlibet, erga me

me præfat̃ E. M. executor̃ et adminiſtratores meos, et alios quoſcunque, de, et pro prædictis ſcriptis obligat̃, et eorum quolibet, ac de et pro omnibus dictis pecuniarum ſummis in eiſdem ſcriptis obligat̃, et eorum quolibet ſpecificat̃, quod tunc prædict' R. B. et E. vxor eius, I. R. C. S. E. B. et hæredes ſui erunt ſeiſit̃, de et in p̃dict' &c. tantum ad ſolum opus et vſum talium vel hm̃di eorum I. R. C. S. et E. B. hæred' & aſſignat̃ ſuorum, qui, vel quorum hęred', execut', vel adminiſtrat̃ pro p̃dict' ſcript̃ obligat̃, aut eorum aliquo vexari, moleſtari, aut indemnes non conſeruari contingent. Et ego prędictus E. M. et hæredes mei prædict' &c. prefat̃ R. B. & E. vxori eius, I. R. C. S. et E. B. hæred' et aſſignatis ſuis, ad vſum prædictum, contra me et hæred̃ meos warrantizabimus et in perpetuum defendemus per præſentes. In cuius rei teſtimonium vtrique parti harum cartarum indentat̃, ego p̃dictus E. M. ſigillum meum appoſui. Dat̃ &c.

A Scedula expreſſing the vſes of a Feoffement.

THis Indenture made &c. Betweene I. Y. and G. Y. on the one partie, and T. N. I. C. and E. G. on the other partie, witneſseth, that wheras the ſaid I. Y. and G. Y. by their deed of Feoffement indented, vnto this preſent Scedule indented annered, haue infeoffed the ſaid T. N. I. C. and E. G. of, and in the manner of &c. that the intent of the ſaid deed, and the liuery and ſeiſin made vpon the ſame is, that the ſaid T. N. I. C. and E. G. and euery of them, and their heires, and the ſuruiuor of them, and his heires, ſhall ſtand and be ſeiſed, of and in the ſaid manner &c. mentioned in the ſame deed of feoffement, to the vſe of them, and of their heires, to the intents, and vpon the condition hereafter in this ſcedule expreſſed: that is to ſay, That the ſaid T. N. I. C. and E. G. and the ſuruiuor of them and his heires, ſhall at all times hereafter from time to time during the life of the ſaid I. Y. within foure monethes after requeſt to them, or any of them made, by the ſaid I. Y. his executors or aſſignes ſhall make all ſuch leaſes and demiſes, aſſurances, feoffements, eſtates, and conueiances, gifts, and graunts, of annuities for terme of life, or liues, or for terme of yeares, at will, and in fee ſimple, or in taile with remainder, of, in, or out of all the ſaid lands, tenements, and other the ſayd premiſſes, and euery parcell thereof, to ſuch perſon or perſons, as the ſaid I. Y. ſhall at any time during his life nominate and appoint the ſame aſſurances, feoffements, eſtates, conueiances, demiſes, leaſes Sect. 262

leales and graunts thereof to be made at the coſtes and charges of the ſaid I.H. And alſo vpon condition that the ſaid T.N. I.C. and E.G. and the ſuruiuor of them, and his heires ſhall further make ſuch aſſurances, conueyances, feoffements, eſtates, gifts, in taile with remainders ouer, or any other eſtates, conueyances, or aſſurances in law, of, or in the ſaid manors, lands, and tenements, and of euery part thereof, to ſuch perſon and perſons, and their heires, or to the heires of their bodies lawfully begotten for term of life, or liues, or otherwiſe, to whome the ſaid I.H. alſo by his laſt will and Teſtament in writing ſhall nominate, aſſigne, and appoint the ſame eſtates, aſſurances, or conueyances to bee made, according to the true meaning of the ſaid laſt will and Teſtament of the ſaid I.H. And the ſaid T.N. I.C. and E.G. couenãt &c. that they the ſaid T.N. I.C. and E.G. at the coſtes and charges of the ſaid I.H. his heires, executors, and aſſignes, or at the coſtes and charges of ſuch perſon to whom the ſame eſtate of the premiſſes ſhalbe by the ſame I.H. appointed to be made, ſhall execute and make all ſuch eſtates, conueiances, and aſſurances, of, and in the premiſſes, or any part thereof, to the ſame and ſuch perſons to whom the ſaid eſtates ſhalbe ſo aſſigned and appointed by the ſaid I.H. by his laſt will and Teſtament, or otherwiſe. And if the ſaid T.N. I.C. and E.G. ſhall refuſe to execute and make ſuch eſtates and aſſurances, of, and in the premiſſes, to ſuch perſons to whom the ſaid I.H. ſhall aſſigne and appoint the ſaid eſtates to be made, of, and in the ſaid manors, lands, tenements, and euery part thereof, in maner and forme aforeſaid: Then the ſaid T.N. I.C. and E.G. couenant &c. that they the ſaid T.N. I.C. and E.G. ſhal after ſuch refuſall, ſtand and be ſeiſed, of, and in the ſaid manors &c. to the vſe of ſuch perſons, and their heires, and the heires of their bodies lawfully begotten, for terme of life, or liues, or yeares, in taile, or in fee, according to the eſtates to whom the ſaid I.H. in his life time, or otherwiſe, ſhall by his laſt will gine, appoint, or aſſigne the ſaid manors, lãds, &c. before mentioned and reherſed in theſe preſents. In witneſſe whereof &c. Giuen the day and yeare firſt aboue written.

A Scedule limitting Vſes.

Sect. 263. The vſe and intents of the deede of Feoffement indented tripartite hereunto annexed, and the eſtates thereupon executed of me the ſaid G.S. named in the ſayde deede, is, that the ſaid gift and grant mentioned in the ſaid deede, and the eſtate thereupon executed, of, and

in

in the capitall meſuages in S. mentioned in the ſaid deed called the hall of S. with the appurtenances, and of and in the Mill of S. called Stã-ford Mill, and one meadow called Mill meadow, one paſture called A. and all other lands and tenements in S. aforeſaid, now in the tenure, occupation, or manurance of me the ſaid G. S. except one paſture called W. hill. ſhall be and be, And the ſaid A. C. I. D. I. G. B. G. and their heires, ſhall ſtand and thereof bee ſeiſed to the vſe of me the ſaid G. S. for terme of my life, and after my death, to the vſe of I. G. now wife of me the ſaid G. for terme of her life, and after her death, to the vſe of the heires of the bodie of me the ſaid G. lawfully begotten, And for de-fault of ſuch iſſue &c. with remainder over. Prouided alwaies, that if it happen the ſaid I. after the death of me the ſaid G. S. to marrie a-gaine, that then and from thenceforth the ſaid feoffement, gift, grant, and eſtate of the capitall meſuage, Mill, lands, and tenements in G. a-foreſaid, in the tenure of me the ſaid G. S. (except before excepted) ſhall be, And the ſaid A. and the ſaid cofeoffees and their heires, ſhall ſtand and be thereof ſeiſed to the vſe of the heires of the bodie of me the ſaid G. S. lawfully begotten, and for default of ſuch iſſue, to the vſe of the ſaid R. S. and his heires males of his bodie lawfully begotten, And for default &c. And that the ſaid feoffement, eſtate, gift, and grant, of and in the reſt and reſidue of all the ſaid meſuages, milles, lands, te-nements, and other hereditaments whatſoeuer they be in S. and A. mentioned in the ſaid deede indented tripartite, whereof no vſe before in this preſent ſcedule is declared, ſhall be, And the ſaid A. and the ſaid cofeoffees ſhall ſtand and be ſeiſed thereof to the vſe of me the ſaid G. S. and of the heires of the bodie of me the ſaid G. lawfully begotten, and for default of ſuch iſſue, to the vſe of the ſaid R. S. and of his heires males lawfully begotten, and for default &c. Prouided alwayes, that if the ſaid I. now wife of me the ſaid G. at any time after the death of me the ſaid G. fortune to marrie againe, that then and from thenceforth the ſaid feoffement, gift, grant, and eſtate, of, and in the ſaid reſidue of the ſaid lands, tenements, and other the premiſſes with the appurtenances in S. and A. ſhall be to the vſe of the ſaid I. for terme of her life and after her deceaſe to the vſe of the heires of the bodie of me the ſaide G. lawfully begotten, and for default of ſuch iſſue, to the vſe of R. S. &c.

Vſes

Vses.

A Couenant limitting the Vses to the Mortgager, paying certaine money and charges of assurances, vntill he practise to alien or incumber the lands, and then to the Mortgagee.

Sect. 264.

PRouided alwaies, and it is neuertheleſſe couenanted, concluded, condiſcended, and agreed, by and betwixt the ſaid parties to theſe preſents, And the ſaid I.B. &c. doth couenant and grant &c. That if the ſaid R.G. or his heires, at any time within the ſpace of tenne yeares next inſuing the date hereof, do pay or cauſe to be paied vnto the ſaid I.B. his heires, executors, or aſſignes, at one whole and intire payment, aſwell the ſaid ſum of thirtie pounds by him already diſburſed, as aforeſaid, for the ſaid purchaſe of the reuerſion of the premiſſes, in manner and forme aforeſaid, as alſo all and euery other ſum and ſummes, of money, as the ſaid I. hath already diſburſed and paied, or ſhall hereafter be charged with, touching and concerning any writing, aſſurance, or conueyance, of, or concerning the ſaid tenements and premiſſes, or any part thereof, made, or to be had and made, within tenne dayes after that a reaſonable Bill thereof ſhall be ſhewed and deliuered to the ſaid R.G. or his heires, by the ſaid I. his heires, executors or aſſigns: That then and from thenceforth immediatly after all the ſummes aforeſayd ſatiſfied and paied to the ſaid I. his heires, executors, and aſſignes, in maner and forme aforeſaid, the ſaid I.B. his heires and aſſignes of the ſaid reuerſion of the ſaid tenements and premiſſes with the appurtenances, ſhal ſtand and be ſeiſed during the life of the ſaid I.A. and M and of the longeſt liuer of them. And after their deceaſes, of all the ſayd premiſſes in demeane and poſſeſſion, to the vſe of the ſayd R.G. and his heires, vntill ſuch time as the ſaid R.G. or his ſayde heires ſhall aduiſedly, determinately, and conſiderately goe about to Mortgage, alien, bargaine, ſell, or otherwiſe to doe, or put away the ſaid tenements and premiſſes, or any parcell thereof, in poſſeſſion or reuerſion, without the ſpeciall conſent and agreement in writing of the ſayde I.B. or his heires, in that behalfe firſt had and obtayned: Or ſhall as is aboue mentioned, goe about to charge, trouble, or in any wiſe incumber the ſaid tenements and premiſſes, or any parcell thereof, without the like conſent and licence. And ſhall

for

for the conueiance and aſſurance of any ſuch morgage, bargaine ſale charge, or incumbrances, goe about to doe, practize, or put in vre, or willingly ſuffer to be gone about, had, done, practized, or put in vre, any open or ſecret effectuall act, matter, or thing for any ſuch conueyance, aſſurance, charge, or incumbrance to be had or made. And from and immediatly aft er any ſuch matter, act, or thing, ſo as aforeſaid had, done, practized, or put in vre, or ſuffered to be had, practized, or put in vre by the ſaid R. G. or his heirs, wherby the ſaid R. or his ſaid heirs ſhall goe about to grant, alien, morgage, bargaine, ſell, charge, or incumber the ſaid premiſſes, or any part thereof: Then and from thenceforth aſwell this preſent aſſurance and conueiance, as alſo the ſaid fine, and all other aſſurance and conueiance made and to be made of the premiſſes, and euery part and parcell thereof, ſhall be &c. And the ſaid R. G. and his ſaid heirs, and all and euery other perſon and perſons, hauing or lawfully claiming any eſtate, right, or title, in, or to the ſaid premiſſes, or any part thereof, by, from, or vnder the ſaid R. or his ſaid heires, ſhall ſtand and be ſeiſed of the ſaid premiſſes, and euery parcell thereof, to the vſe of the ſaid I. B. his heires and aſſignes, according to the purport, effect, and true intent and meaning of theſe preſent Indentures, abſolutely without any further morgage or condition.

An Indenture Tripartite of lands and tenements to vſes.

THis Indenture tripartite made &c. Betweene L. L. on the firſt partie, A. B. C. D. and E. F. on the ſecond partie, and I. G. H. I. and L. M. on the third partie, witneſſeth that the ſaid L. L. for the ſpeciall truſt and confidence that hee hath in the ſayd A. B. C. D. E. F. G. H. I. and L. M. &c. and for diuers other good and reaſonable cauſes and conſiderations moouing him, hath giuen &c. vnto the ſayd A. B. C. D. E. F. G. H. &c. all thoſe his lands, tenements, &c. To haue and to hold &c. to the only vſes and proper behoofes of the ſayd A. B. C. D. E. F. &c. during the naturall life of the ſayd L. L. and for and during the terme of twelue yeares, next and immediatly following, after the naturall life of the ſaid L. L. and after the death of the ſayde L. L. and after the ſaid terme of yeares ended and determined, then to haue and to hold the ſayd landes, tenements, and other the premiſſes to the ſaid A. B. C. D. &c. their heires and aſſignes, to the vſe of them and their heires. And vpon condition that the ſayde G. H. I. and L. &c. and their heires, or the ſuruiuor or ſuruiuors Sect. 265.

of

of them, and his and their heires, shall before the naturall death of the sayd I. I. or within seuen yeares next after the naturall death of the sayd I. I. alien, bargaine, and sell the premisses with the appurtenances, or so much thereof as by the said I. I. at any time during the naturall life of the said I. I. shall bee limitted or appointed by him by writing or otherwise, and after the bargaine, sale, or alienation so had and made, the desire of the said I. I. is, that the said A. B. C. D. &c. for the speciall trust and confidence that the said I. I. doth put in them, shall within fiue Monethes next after the said bargaine and sale or alienation, purchase or cause to bee purchased other lands, tenements, and hereditaments, of as much cleere yearely value, as the premisses that shall be so bargained or sold by them, or any of them shall amount vnto: and that the survivor or survivors of them shall within the said fiue Monethes, cause the said lands, so purchased, to be by good assurance and conueiance in the law assured and made sure to the heires of the said I. I. in fee simple, discharged of all charges and incumbrances by them, or by any of them to be had, made, done, or suffered. Prouided alwaies, that for default of such bargaine, sale, or alienation of the premisses by these presents giuen or graunted, bargained, or sold, from and after the naturall death of the said I. I. and from and after the end and terme of fiue yeres next after the death of the said I. I. the said A. B. C. D. &c. and all and euery other person and persons ỹ shal be seised of, or in the premisses, shall stand and be seised thereof to the only vse and behoofe of the right heires of the said I. I. of and in so much of the premisses by these presents giuen and graunted, and of euery part thereof, whereof no bargaine, sale, or alienation shall be hereafter by the said A. B. C. D. &c. so made, as is aforesaid, and that also then and from thencefoorth it shall be lawfull for the right heires of the saide I. I. to reenter into so much of the premisses, whereof no bargaine, sale, or alienation shall be hereafter by the said A. B. C. D. &c. so made as is aforesaid, and the same to haue againe &c. And the said G. H. I. and L. doe couenant &c. that they and euery of them, their heires and assignes, and euery of them, shall permit and suffer the sayd A. B. C. D. &c. and euery of them and their assignes quietly to receiue and take the issues and profits of all and singuler the sayde premisses with the appurtenances, during the naturall life of the sayd I. I. and during the said terme of twelue yeares, without interruption or disturbance of the said G. H. I. and L. or any of them, or any other person or persons by the meanes or procurement of any of them, to bee employed or bestowed to such vses and intents as the sayde I. I.

hath, and shall assigne, limit, and appoint. And the said G. H. I. and K. for them, their heires and assigns &c. do couenant and grant, to and with the said L. L. and to and with the said A. B. and C. and to and with the said D. E. and F. and euery of them, that if it shall fortune the said A. B and C. to decease, during the naturall life of the said L. L. that then the said E. F. G. H. I. and K. and their heirs and assigns, shal peaceably permit and suffer the said D. E. and F. and euery of them, and their assigns, to haue, take, and receiue, all and singular the issues, rents, reuenues, and profits of all and singular the premisses, and euery part and parcell thereof, for, and during &c. without any let &c. (vt supra.) And the said L. L. for him &c. that the said A. B. &c. and their heirs, and all and euery other person or persons now being seised of, and in the premisses, by these presents bargained and sold, or of, or in any part or parcell therof, shall from henceforth stand, remaine, and be seised thereof, and of euerie part thereof, to the vses, intents, behoofes and conditions, in these presents before expressed, mentioned or declared. In witnesse &c.

Conueyance to vses.

THis Indenture made &c. Betweene R. S. on the one party, and T. R. R. R. and T. M. on the other partie, Witnesseth, that the said R. S. as well for the naturall loue, zeale, and affection that hee beareth vnto E. S. his sonne and heire apparant, and other the issues male of his bodie lawfully to be begotten, and their issues male, and others of the blood and name of S. and for that hee is very desirous, and fully minded, resolued, and determined, that all and singular his manors, landes, tenements, tythes, rents, reuersions, seruices, and hereditaments with the appurtenances, in these presents expressed, mentioned, and contained, should and might for euer hereafter, if it shall so please almighty God, come, descende, continue, remaine, and bee vnto the said E. S. and vnto such issues male, as shall be begotten of his bodie, and their issues male, and vnto such other persons, and such of the blood and name of S. as hereafter in these present Indentures are named, intended, or meant, according to the true intents and meaning of these presents, and vnder the conditions, couenants, and agreements, limitations, prouisions, contingencies, and true meaning of these presents, and in manner and forme hereafter in these presents expressed, limited, and declared, and in such maner and form, and so long only, as in, and by these presents is limited, intended, implied, or meant: And so that none estate, title, vse, or interest hereafter in these presents limi- Sect. 266.

limited or appointed, should in any wise bee altered, discontinued, forfeited, preiudiced, barred, or disappointed, contrarie to the true meaning thereof. The said R. S. doth couenant &c. to make a sufficient Feoffement to the said W.R.R.R. and E.M. of all and singular those his Manours, Lordships, or Townes &c. To haue and to hold all the said Manors, Lordships, Townes &c. to the said W.R. R.R. and E.M. their heires and assignes for euer, in the manner and forme, and to the vses, intents, and purposes, hereafter in these presents limited, appointed, intended, and meant, and vnder and according to the conditions, couenaunts, contingencies, prouisions, limitations, true intent and meaning in these presents expressed, and to, or for no other vse, intent, or purpose, that is to say: To the onely vse and behoofe of the said R. S. for and during his naturall life, without impeachment of any maner of waste. And after his decease, to thonly vse and behoofe of the said E. S. and of the heires males of his bodie lawfully begotten. And for default of such issue male of the bodie of the said E. S. lawfully begotten, then to the onely vse and behoofe of the second issue male of the bodie of the said R. S. lawfully begotten and to be begotten. And if it happen the said second issue male of the bodie of the said R. S. lawfully begotten, and to bee begotten, to die without issue male of his bodie lawfully begotten, then to thonly proper vse and behoofe of the third issue male of the bodie of the said R. S lawfully begotten, and to bee begotten, and of the heires males of his bodie lawfully begotten, and to bee begotten, and so from issue male to issue male of the said E. S. lawfully begotten, so long as there shall be any such issue male of the bodie of the said R. S. lawfully begotten, aliue. And for default of such issue male of the bodie of the said R. S. lawfully begotten, and to be begotten, then to the vse of A. S. and of the heires males of his bodie lawfully begoten, and to be begotten. And for default of such issue male of the bodie of the said A. lawfully begotten, and to be begotten, then to the only vse of Y. S. and of ỹ heires males of his body lawfully begotten, and to be begotten. And for default of such issue male of the bodie of the said Y. lawfully begotten, and to be begotten, then to the vse of the next heirs male of R. S. grandfather of the said R. S. and to the heires males of his bodie lawfully begotten. And for default of such issue male, to the only vse and behoofe of the right heires of the said E. for euer. Prouided alwaies, and vpon condition, and it is the true intent and meaning of these present indẽtures, and all the parties to the same, that if any issue male of the body of ỹ said R. S. lawfully begotten, or to be begotten, or any other issue male, or

other

other person or persons, named, intended, imployed, or meant to haue or take any estate of inheritance, by reason of the said feoffement so to be made, and of these present Indentures, or of either of them, or of any limitation of any terme, estate, vse, or other thing in them or either of them contained, at any time hereafter shall earnestly or willingly imagine, determine, purpose, consent, conclude, intend, practize, or goe about to giue, sell, alien, forfait, barre, alter, discontinue, lease, or doe away the said manors, messuages, lands, tenements, and hereditaments, and other the premisses with the appurtenances, or any part or parcell thereof, or his or their estate, title, vse, remainder, or interest, of, or in the same manors, messuages, lands, tenements, and hereditaments, and premisses with the appurtenances, or any part or parcell thereof to any person or persons, by any way or meane, otherwise then for any estate or estates for terme or termes, according to the couenants, conditions, prouisions, and true intent and meaning in these presents expressed, contained, or intended: That then and thenceforth the estate, vse, interest, and possibilitie of euery such person and persons, so earnestly and willingly imagining, determining, purposing, intending, concluding, practizing, deuising, or going about to giue, sell, alien, forfait, alter, discontinue, barre, lease, or doe away the said manors, messuages, lands, tenements, hereditaments, and premisses, with the appurtenances, or any part thereof, contrary to the limitations, conditions, true intent and meaning of these present Indentures, of, in, and for such and so much onely of the said manors, messuages, lands, tenements, hereditaments, and premisses with the appurtenances, as he or they shal fortune so, as is aforesaid, earnestly, and willingly to imagine, purpose, conclude, intend, consent, practize, deuise, or goe about to giue, graunt, sell, alien, forfait, alter, discontinue, barre, lease, or doe away contrary to the true intent and meaning of these presents, shal cease, determine, and become vtterly void &c. so earnestly or willingly imagining &c. to all intents and purposes, as if such person and persons had neuer bin named, intēded, implyed, or meant in these presents, and as if none vse, estate, interest, or possibilitie, of and in the said manors, messuages, lands, tenements, hereditaments, and premisses with the appurtenances, or of any part thereof, had euer beene limited, implyed, or meant vnto such person or persons. And that then also and thenceforth the said L. R. R. R. and L. W. and their heires, and the heires, of the survivor of them shall thenceforth stand and be seised of such and so much of the said manors, messuages, landes, tenements, and premisses, wherein the said estate and vse

of such person or persons so as is aforesaid, shall happen to cease and be determined, to the vse of such person or persons to whom the vse of the same above in these presents is limitted, intended, implyed, or meant to bee next in remainder, if such person or persons should haue dies without issue of his or their bodies lawfully begotten, the remainder thereof in forme aforesaid, to such other person or persons belonging, according to the conditions, prouisions, limitations of vse, intent, and true meaning in this present Indentures expressed and specified: any covenant, limitation of vse, or other matter or thing to the contrary hereof notwithstanding. Prouided also, and vpon condition, and it is the true intent and meaning of these present Indentures, and of all the parties to the same, That it shall and may bee lawfull to and for the said R. S. during his naturall life, to make, or cause to be made any lease or leases of the said mannors, messuages, lands, tenements, and premisses, or any part thereof to any person or persons, for any terme or termes, estate or estates, not exceeding the terme of one hundred yeares from the day of the making thereof, reseruing vpon euery such lease or leases the old accustomed yearely rent, or more, to be due and payable during the continuance thereof by vertue of such lease or leases. And that the said L. R. R. R. and L. M. and their heires, and the heires of the survivor of euery of them, shall stand and be seised, of, and in such and so much of the said mannors, messuages, lands, tenements, and premisses, as so by the said R. S. shall happen to be leased, to the vse of such person and persons, to whom any such estate for the terme of yeares shall be so made or graunted by the said R. during the continuance of the same lease or leases, and after the end, determination, or expiration of such lease or leases, to such vse and vses, as in and by these presents is limited, intended, or meant. And that it shall and may be lawfull to and for the said R. S. and euery other person and persons, that the said R. S. shall thereunto name or appoint, during the naturall life of the said R. S. to sell, cut downe, take, and carrie away, and to bargaine, sell, giue, and graunt all or any woods, vnderwoods, springs or trees growing, or which during the naturall life of the said R. S. shall grow vpon the said premisses, or in or vpon any part thereof with the appurtenances to any person or persons. And that it shall be lawfull for euery such person and persons, to whom any of the said woods, vnderwoods, trees or springs shall happen to be leased, giuen, alienes, bargained, or sold, to sell, cut downe, take, and carrie away the same, and euery part thereof, according to the effect and true meaning of euery such lease, contract, and

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bargaine thereof to be made: any thing in theſe preſents contained to the contrarie thereof in any wiſe notwithſtanding. Prouided alſo, and vpon Condition, and it is the true intent and meaning of theſe preſent Indentures, and of all the parties to the ſame, that it ſhall and may be lawfull, to and for any and euerie ſuch iſſue of the bodie of the ſayd R. S. lawfully begotten, and to be begotten, and to, and for euerie other iſſue male, or other perſon and perſons, named, intended, implied, or met to haue or take any eſtate of inheritance, in poſſeſſion, reuerſion, remainder, or in vſe, by reaſon of the ſaid feoffement ſo to be made, and of theſe preſents, or of either of them, or of any limitation of any eſtate, prouiſo, condition, vſe, or other thing in them, or either of them being thereof ſeiſed accordingly, to make or cauſe to be made any leaſe or leaſes, eſtate or eſtates, of the ſaid manors, meſuages, lands, tenements, and premiſſes, or of any part thereof, to any perſon or perſons, for any terme or termes not exceeding xxj. yeares, from the day of the making thereof: So alwaies, that vpon euerie ſuch leaſe, terme or eſtate, ſo to be made, the old accuſtomed yerely rent or more be reſerued and paiable yearely to the owner or owners of the inheritance thereof, during the continuance of ſuch leaſe or leaſes, terme or termes, eſtate or eſtates, without fraud or colluſion. And that if any ſuch leaſe or leaſes as is aforeſaid, ſhall happen to be made or graunted, that then the ſaid M. R. R. R. and T. W. and the ſuruiuors and ſuruiuor of them, & his heirs ſhall ſtand and be ſeiſed of, and in ſuch and ſo much of the ſaid manors, meſuages, lands, tenements and premiſſes, as ſhall ſo happen to be leaſed, to the only vſe and vſes of euerie ſuch perſon or perſons, to whom any ſuch leaſe or leaſes, terme or termes, eſtate or eſtates ſhal happen to be made during the continuance thereof, according to the true intent, and meaning of theſe preſents, and of ſuch leaſe and leaſes, and after the end and expiration or determination of euerie ſuch leaſe and leaſes, to ſuch vſe and vſes, as in theſe preſents is limited, intended, implied, or meant. Prouided alſo, and vpon condition, and it is the true intent and meaning of theſe preſent Indentures, and of all the ſaid parties to the ſame, That it ſhall and may be lawfull for the ſaid R. S. during his naturall life, to nominate, appoint, and giue authority to any perſon or perſons to receiue the rents, iſſues, fines incomes, commodities, and profits of all the ſaid manors, meſuages, lands, tenements, hereditaments, and premiſſes, with the appurtenances, and euery or any of the, to the vſe of the ſaid R. without rendring any account therof or therfore to any perſon or perſons, but only to the ſaid R. S. Prouided alſo, and vpon condition, and it is the true intent and meaning of theſe preſent

Indentures, and of all the said parties to the same, that it shall and may be lawfull to any issue male of the bodie of the said R. S. lawfully begotten, & to be begotten, and to euerie other issue male or other person or persons, named, intended, implied, or ment, to haue or take any estate of inheritance by reason of the said feoffemēt so to be made, and of these present Indentures, or either of them, which hereafter shall haue married any woman, to make any estate of any part of the said mannors, mesuages, lands, tenements, hereditaments, and premisses, with the appurtenances for the terme of life of such wife or wiues, for her or their ioincture or dower, reseruing no rent or other thing for so much of the said manors, &c. and premisses whereupon any such estate or estates shall happen so to be made. And that the said T. R. R. R. and T. W. and their heirs, & the survivor of them & their heires, shall stand and be seised of, and in such & so much of the said manors, mesuages &c. and the premisses with thappurtenances, wherupon any such estate or estates shal happen to be made in forme aforesaid, according to the true meaning of these presents, and of such estate so to be made to the vse of such wife or wiues for the terme of her & their liues. Prouided also, and vpon further cōdition, and it is the true intent & meaning of these present Indentures, and of all the said parties to the same, and of the said feoffemēt so to be made, that if the said T. R. R. R. and T. W. or some one of them, or the survivor of thē, or his heires, or the said E. S. or his heirs males, or some other person which shal inherit the said manor &c. or any of them, according to the limitation, true intent and meaning in these presents declared, do not well and truly pay or cause to be paid 1000. l. of &c. in the South porch of the parish Church of R. in the said countie of Y. to the vse of the said R. S. at & in such feast day, as ỳ said R. S. by his writing sealed shal name or appoint, & to such person or persons as the said R. S. by his said writting sealed shall name or appoint to receiue the same 1000. li. of &c. That then & thencefoorth these present Indentures and the said feoffemēt so to be made, to be vtterly void & of none effect in the law. And that then also & thencefoorth it shall & may be lawfull to & for the said R. S. into all the said mannors, mesuages &c. and premisses with the appurtenances, to reenter, & the same to haue againe & possesse as in his former estate. And ỳ then & thencefoorth the said T. R. R. R. and T. W. & euery of them, and the survivors & survivor of them & his heires shall stand and be seised of, & in all the said manors &c. with the appurtenances, to the only vse & behoofe of the said R. S. his heires and assignes for euer, and to, and for none other vse, intent or purpose: any thing to the contrarie thereof in any wise notwithstanding. In witnesse &c.

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An aſſurance to be made to a man for terme of his life, and after his deceaſe to thoſe of his children, and to be aſſured for payment of his debts.

THis Indenture &c. Betweene W.B. I.B. and T.H. on the one party, and T.S. on thother party, Witneſſeth that the ſaid T.S. hath couenanted &c. ẏ he the ſaid T.S. before the Natiuitie of S. Io. Bapt. nert inſuing the date herof, ſhall aſwell in conſideration ẏ all ſuch manors &c. appointed for the Iointure of Ladie E. now wife of the ſaid T.S. ſhall be acquited and diſcharged of all rents and other charges reſolute, going out of the lands &c. and for and in conſideration of paiment of the debts of the ſaid T.S. or of the mariage of the daughter of the ſaid T.S. ſhall make, or cauſe to be made to the ſaid W.B. I.B. and T.N. or to ſuch other perſon or perſons, as they, or any two of them ſhall for that purpoſe name or appoint, a good, ſure, ſufficient, and lawfull eſtate or eſtates in the law in fee ſimple, of, and in the Rectory and Parſonage of D. and the manors of A. and B. &c. To haue and to hold all and ſingular the aforeſaid parſonages, rectories, manors, lãds, &c. to the ſaid W.B. I.B. and T.H. and their heirs, or to ſuch other perſon or perſons, as they, or the ſuruiuor or ſuruiuors of them, or their heirs ſhall name and appoint, and to their heirs, to the vſe of the ſaid W.B. I.B. and T.H. for terme of two yeres nert inſuing &c. to the intent ẏ they with the rents, iſſues, and profits of the ſame, ſhal and wil well and truly contẽt and pay, during the ſaid term, all ſuch rents, fees, and annuities, to all and euery ſuch perſon and perſons as be expreſſed and mentioned in certain ſcedules indẽted, to theſe preſent Indentures annexed. And it is further couenanted &c. that if any mony ſhal happen to remaine vnpaid in the hands of the ſaid W.B. I.B. and T.H. their heirs &c. after the ſaid yearely rents and annuities contented and paid, or of any other perſon or perſons named in any of the ſaid ſcedules, to whom any fee, annuall rent, or annuitie ought to be paid and fortune to die, ſo ẏ the rent, fee, and annuitie before patable vnto him ſo dying be extinguiſhed, or if any of the ſaid annuities, rents, or fees be otherwiſe diſcharged or determined: That then the ſaid W.B. I.B. and T.H. their heires &c. ſhall from time to time during the ſaid terme of two yeares, well and truely content and beſtow the ſame money ſo remaining and growing by ſuch diſcharge, toward the payment of ſuch debts as are contained and expreſſed in one other ſcedule indented herunto annexed, & the ſaid annuities & debts diſcharged, ſhall well and truly perceiue and take the mony ſo remaining vnpaid and growing, in, and vpon the premiſſes, towards the mariages of M.A. and M. daughters of the ſaid T.S. vntill ſuch tim as they haue receiued, leuied, and taken of the ſaid rents, iſſues, and

Sect. 267.

profits 900. pounds of good &c. Prouided alwaies, and it is further couenanted &c. that after the said annuities, fees, debts, and mariage mony discharged and paid, the said W. B. I. B. and T. W. and their heirs, and all and euery other person &c. that shall be seised, of, and in the premisses or any part thereof shall stand and be seised, of, and in all and singular ỹ premisses with their appurtenances to the vse and behoofe of the said T. S. during his life without impeachment of any wast. And that after the decease of the said T. S. they shall stand and be seised of as much thereof as shall amount to the yerely value of xx. li. of &c. to the vse of W. S. one of the yonger sonnes of the said T. S. for the terme of the life of the said W. S. and of, and in so much thereof as shall amount to other xx. li. of &c. to the vse of Y. S. one other of the yonger sonnes of the said T. S. for terme of life of the said Y. and of the residue thereof immediatly after the death of the said T. S. and of, and in the premisses appointed to thuse of the said W. S. and Y. S. to thuse of Y. S. son and heire apparant to the said T. S. and of the heires of his bodie lawfully begotten, and for default of such issue, to thuse of the said W. S. second son of the said S. and to the heirs of his body lawfully begottē, and for default of such issue of the bodie of the said W. S. to thuse of the said Y. S. and to the heires of his bodie lawfully begotten, and for default of such issue to the vse of the right heires of the Y. S. and their heires for euer &c. vt supra. Prouided alwaies, and vpon condition following, and it is fully couenanted, granted, condiscended, concluded, and agreed, by and between ỹ said parties to these present Indentures, and it is the true intent and meaning thereof, that it shalbe lawfull, to, and for the aforesaid A. B. at any time and euery time and times, and from time to time frō henceforth during his life, by his deed or writing by him sealed before two sufficient witnesses or moe, to alter, determine, diminish, or inlarge any or all the vse, vses, estate, estates, limitatiōs or intēts, comprized in these Indentures, and also at his will & pleasure by his deed or writing by him sealed before two sufficient witnesses, or moe, as aforesaid, to limit and appoint the vse or vses of the aforesaid messuages & premisses, or of any part of ỹ same to the aforesaid persons or any of them, or to any other person or persons in fee simple, fee taile, for terme of life, or for yeres, or otherwise, and ỹ they the said feoffees and the survivors and survivor of them and his heirs shal stand and be seised of the said tenements, and premisses with the appurtenances, to such and the same vses, that in his said writing to be sealed by him before two sufficient witnesses or moe, shalbe limited or appointed, and to none other vse or vses, intent or purpose: any matter or thing before in these Indentures

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mentioned, to the contrary therof notwithſtanding. In witnes &c.

A Couenant that Ceſty que vſe for yeares ſhall diſpoſe the profits for the education of the feoffors children.

AND it is agréed betweéen the ſaid parties, and the ſaid G.T. &c. doth couenant &c. to and with the ſaid H.B. his heires &c. to beſtow the iſſues, rents, reuenues and profits of the premiſſes, that they or any of them ſhall receiue, and ſhall be intitled to haue, take, or receiue, in or during the ſaid terme of &c. in maner and forme following: That is to ſay, to pay, or cauſe to be paied yearely, after the deceaſe of the ſaid H. B. to euery of the iiij. daughters of the ſaid H.B. named A.E.B. and E. or to the vſe of euery of them, to, and for their finding and bringing vp, v.li. of &c. vntill their ſeuerall ages of xxj. yeres, or their ſeuerall daies of mariage, ſo that, as ſoone as any of them ſhall attaine to her ſeuerall age of xxj. yeares, or to her day of mariage, that the payment to her, or ſo many of them as ſhall come to full age, or be maried, to ceaſe. And yearely after the deceaſe of the ſaid H. B. vnto euery of the ſaid three ſonnes of the ſaid H.B. named I.N. and H. or to the vſe of euerie of them, to, and for their ſeuerall finding and education xv.li. of lawfull money of England, vntill the end and determination of the reſidue of the ſaid terme of 18. yeres, that ſhall be to come at the time of the death of the ſaid H.B. and if any of the ſaid I.N. and N. fortune to die within the ſaid terme, That his or their part or parts of the ſaid yearely payments ſo deceaſing, to be paied on, vnto his or their next heire. And the ouerplus of the ſaid iſſues and profits that ſhall remain ouer and aboue the ſaid paiments had and made, the coſts and charges of the leuying and receiuing thereof, as well in Bailifes fées, as otherwiſe deducted, The ſame to be paied to the ſaid three ſonnes, or to the ſuruiuor or ſuruiuors of them, at the end of the ſaid eighteene yeres &c. Sect. 268.

A Couenant for to barre or extinguiſh Remainders.

AND further the ſaid G.T. and T.W. for them &c. That the ſaide G.T. and T.W. or either of them, their heires, executors, nor adminiſtrators, nor the heire, or executors, nor adminiſtrators of either of them, ſhall at any time hereafter accept, receiue, take, or claime any releaſe, acquitance, writing, benefit, aduantage, or diſcharge of any couenaunt, graunt, article, or agréement contained in theſe preſents, which ſhal barre, hinder, extinguiſh, or determine any agréement, intent Sect. 269

or meaning, contained, meant or implied, in, or by these presents of any of the said A.D.Y.R. seuerally, or iointly with others, vnles it be with the full assent, consent, and agreement of all the said executors, or of as many of them as shalbe then liuing.

A Couenant that feoffees in vse shall not do any act to frustrate vses.

Sect. 270. AND further the said Y.Y. &c. that they the said Y.Y. and T. nor either of them, nor the heires, executors, administrators, of them, or either of them, shall at any time hereafter accept, receiue, take or claime any release, acquitance, benefit, aduantage, or discharge of any couenant, grant, article, and agreement contained in these presents, or which shall barre, hinder or extinguish, or determine any agreement, intent or meaning, contained, meant, or implyed, by these presents, to and with each of the said Y. and R. whiles they both be liuing.

A feoffement to vses alterable by the feoffor &c.

Sect. 271. THis Indenture made &c. Witnesseth, that the said A.B. for &c. hath giuen, granted, &c. to the said C.D. and E.F. all those messuages, tenements, &c. To haue and to hold the said messuages or tenements, and all and singular the premisses with the appurtenances, vnto the said C.D. and E.F. their heires and assignes for euer, to such vses, intents, and purposes, as hereafter in these presents are expressed, limited, and declared, and to and for none other vse, intent or purpose: that is to say, to the vse of the said A.B. for, and during the terme of threescore yeares, next insuing the date hereof fully to be complete and ended, if the said A.B. doe so long liue. And after that to the vse of I. now wife of the said A.B. for the terme of threscore yeares, from thence next following fully to bee compleats and ended, if the said I. do so long liue. And after that to the vse of L.Y. of N. in the county of N. Gentleman, and N.D. of Y. in the countie of S. Gentleman, their heires and assignes for euer. Prouided alwaies, and vpon condition following, and it is fully couenaunted, granted, condescended, concluded and agreed, by and betweene the said parties to these present Indentures, and it is the true intent and meaning thereof, that it shall bee lawfull, to and for the aforesaid A.B. at any time, and euerie time and times, and from time to time from henceforth during his life

by his deed or writing by him ſealed before two ſufficient witneſſes or more, to alter, determine, diminiſh, or inlarge any, or all the vſe, vſes, eſtate, eſtates, limitations, or intents, compriſed in theſe Indentures, and alſo at his will and pleaſure by his deed or writing by him ſealed before two ſufficient witneſſes or moe, as aforeſaid, to limit and appoint the vſe or vſes of the aforeſaid meſuages and premiſſes, or of any part of the ſame to the aforeſaid perſons, or any of them or to any other perſon or perſons, in fee ſimple, fee taile, for terme of life, or of yeares, or otherwiſe. And that they the ſaid feoffées, and the ſurmuor of them, and his heires, ſhall ſtand and be ſeiſed of the ſaid tenements and premiſſes with the appurtenances, to ſuch and the ſame vſes, that in his ſaid writing to be ſealed by him before two ſufficient witneſſes, or moe ſhal be limited, or appointed, and to none other vſe or vſes, intent, or purpoſe: any matter or thing before in theſe Indentures mentioned to the contrary therof not withſtanding. In witneſſe whereof &c.

A deede to alter the vſes in the former Indenture and to create new.

TO all Chriſtian people &c. A.B. of C. ſendeth greeting in our Lord God euerlaſting. Whereas the ſaid A.B. by his Indenture made betweene him the ſaid A.B. on the one partie, and C.D. of &c. and E.F. of &c. on the other party, bearing date &c. in the two and thirtieth yeare of the raigne of our ſoueraigne Ladie the Queenes Maieſtie that now is, for diuers good cauſes and conſiderations him at that time moouing, did giue, grant, infeoffe, and confirme vnto the ſaid C.D. and E.F. all thoſe meſuages &c. (as in the former Indenture) in the ſaid Countie of D. or elſewhere within the Realme of England, which late were the lands &c. of G.H. in L. in the ſaid Countie of D. gentleman. To haue and to hold &c. vnto the ſaid C.D. and E.F their heires and aſſignes for euer, to ſuch vſes, intents, and purpoſes, as bee ſpecified, mentioned, limited, and declared in the ſaid Indenture. In which ſaid Indenture there is contained one prouiſo or condition, the tenour or effect whereof is as followeth. Prouided alwayes, and vpon condition following, and it is fully couenaunted &c. (reciting the Prouiſo of the former Indenture verbatim.) Know you now therefore him the ſaid A.B. according to the tenor, purport, and true meaning of the ſaid Indenture, to be minded, diſpoſed, and fully determined to alter and change the vſes declared in the ſaid Indenture: And therefore he the ſaid A.B. doth by theſe preſents notifie, ſignifie, and declare, that Sect. 272.

the aforesaid messuages, tenements, cottages, landes, meadowes, feedings, pastures, hereditaments, and premisses, with thappurtenances, and the vses in the said former Indenture expressed, and all assurance, and assurances heretofore had, made, knowledged, & suffered of the said premisses, or any part thereof, shall from henceforth remaine and bee to such person and persons, and to such intents and purposes, as hereafter in these presents are expressed and declared: the said former Indenture, or any other assurance or conueyance had of ỹ said tenements and premisses, or any part thereof to the contrarie thereof in any wise notwithstanding. That is to say, the said messuages, cottages, landes, tenements, hereditaments, and premisses, shall be to thuse of the sayd A.B. for and during the terme of xl. yeares, next insuing the date hereof, fully to be complete and ended, if the said A.B. do so long liue. And after to the vse of J. wife of the said A.B. for, and during &c. And afterwards to the vse of my well beloued friends W.W. of R. in the county of P. gentleman, and T.S. of S. in &c. gentleman, their heires and assignes for euer. In witnes &c.

A Condition to alter vses.

Sect. 273. PRouided alwaies, and it is further couenanted, granted, and agreed betweene the said parties, that if it shall fortune the said T.T. at any time during his life, by writing vnder seale inrolled in any court of record, to grant vnto the said &c. or to any of them, or to any other persons before mẽtioned, one moity of &c. That then, and from thencefoorth the said estate, and all and euery the vses before in these prẽsẽts mentioned, to be vtterly void and of none effect, and that then, and from thencefoorth, aswell the said &c. (expressing the feoffees) and their heirs and assignes, as also all their estate, and all other assurances hereafter to bee had and made, of, or in the said tenements and premisses, or any part or parcell thereof, to the vses aforesaid, shalbe to the only vse of the said T. T. and his &c. And that then, and from thencefoorth it shall be lawfull, to and for the said T.T. &c. and to euerie of them to reenter into the saide tenements and premisses, and the same to haue againe and repossessed as in their former estate: These Indentures or any thing therein contayned to the contrarie hereof in any wise notwithstanding &c.

A Condition to alter vses.

Sect. 274. PRouided alwaies, and vpon condition &c. ỹ if it shall happen the said T.T. hereafter at any time to haue issue of his bodie lawfully begotten,

begotten, or any wife of the ſaid T.T. at the time of his deceaſe to bee inſeint with any iſſue begotten by the ſaid T.T. that then within fiue monthes after ſuch iſſue had, and after fiue hundred markes paid to any perſon or perſons, for, or in the name of ſuch iſſu to ỹ ſaid A. &c. or tendered and refuſed, or not receiued by the ſaid A. &c. the vſe of the ſaid land &c. ſhalbe and inure, and the ſaid feoffees &c. ſhall thereof ſtand and bee ſeiſed to the vſe of the heirs of the ſaid T. of his body lawfully begotten, and of the heires of their bodies lawfully begotten. And for default of ſuch iſſue, to the heirs of the right heirs of the ſaid T.T. and their heirs for euer &c.

A libertie to grant leaſes.

PRouided alwaies, and the true intent and meaning of the parties to theſe preſents is, And the ſaid T.S. doth for him, and his heires, couenant and graunt, to and with the ſaid R.D. his executors and aſſignes, by theſe preſents, that the ſaid R.D. ſhall and may at all times from time to time, during his life, without any let or diſturbance of the ſaid T.S. his heires, executors, or adminiſtrators, demiſe, graunt, and leaſe the ſaid manors, landes, tenements, and hereditaments or any part or parcell thereof (the lands, tenements, and hereditaments appointed to be conueyed and aſſured to the ſaid R. and E. for terme of her life, as is aforeſaid, and the manor houſe, ſcite, and demean lands of Y. onely excepted) to any perſon or perſons for terme of three liues or vnder, or for terme of xxj. yeares or vnder, in ſuch maner and forme, as a tenant in taile may lawfully do, and not otherwiſe, ſo as there bee reſerued, in, and vpon euery ſuch Leaſe and Leaſes, the vſuall and olde accuſtomed rent or more, and appointed to bee paiable yearely during the ſame terme, to ſuch perſon or perſons, as by force of theſe preſents, and the conueiances to be made, and agreed to bee made by the force of theſe preſents, ſhall or ought, after the deceaſe of the ſaid R. haue the immediate reuerſion or remainder therof: anything to the contrary hereof in theſe preſents contained notwithſtanding. Sect. 275.

A libertie for the feoffor in vſe to make annuities, and ioyntures.

PRouided alſo, and it is condeſcended and agreed betweene the ſaid parties, that the ſaid R.D. ſhall and may at any time hereafter by his writing or writings indented, conuey, and aſſure, or by his laſt will and teſtament, giue, deuiſe, and appoint, ſeuerally and not iointly, Sect. 276.

to

to euery or any the yonger ſonne or ſonnes of the ſaid R. of the bodie of the ſaid A. his wife lawfully begotte, one annuity or yerely rent charge of x.li. to euery of them ſeuerally, to be iſſuing, going out, and to be perceiued of, out, and vpon the ſaid manors, lands, and tenements, (except the ſaid landes and tenements appointed for the iointure of the ſaid E. for terme of life, as is aforeſaid) for, and during all the naturall life, or ſeuerall liues of euery of ſuch ſonne or ſons. And it is in like maner condiſcended and agreed betweene the ſaid parties, that where the aboue recited lands, tenements, and hereditaments to be aſſured for the iointure of the ſaid E. and ſpecified in the ſaid ſcedule, are now parcell of the iointure lands of the ſaid A. that he the ſaid R. D. ſhall haue full libertie to aſſure and conuey certaine lands, tenements, and hereditaments called R. for the iointure of the ſaid A. during her natural life, in ful recompence and ſatisfaction of the ſaid lands and tenements ſpecified in ỹ ſaid ſcedule, and to be aſſured for the iointure of the ſaid E. as is aforeſaid.

A Condition to alter Vſes.

Sect. 277. PRouided alſo further, that it ſhalbe lawfull, to, and for the ſaid Sir L. M. at any time, or from time to time at his pleaſure, during his life, by his writing indented, or by his laſt will and Teſtament in writing, by him ſealed and ſubſcribed, to alter, determine diminiſh, change, or inlarge, any vſe or vſes, conditions, limitations, or intents, comprized in theſe preſents, the ſaid eſtate of D. M. onely excepted. And alſo at his pleaſure by the ſame his writing indented, or by his laſt will and teſtament, ſealed and ſubſcribed, as is aforeſaid, to limit and appoint, giue and graunt the vſe of the ſaid manors, lands, tenements, and hereditaments with their appurtenances, or of any parcell of the ſame, to the ſaid perſons, or any of them, or to any other perſon or perſons, in fee ſimple, fee tayle, for terme of life or liues, or yeares, or otherwiſe, (the eſtate and intereſt of the ſaid D. M. alwaies being ſaued vnto her:) theſe Indentures, or any vſe or vſes, thing or matter aboueſaid in theſe Indentures to the contrarie in any wiſe notwithſtanding. And that after ſuch alteration, determination, diminiſhing, or inlarging, limiting, or appointing, any vſe or vſes, conditions, or intents of the premiſſes, or of any part or parcell thereof, as is aforeſaid, The vſe onely of ſo much of the premiſſes, whereof any alteration, determination, diminiſhing, or inlarging ſhall bee ſo had and made, ſhall bee to ſuch perſon and perſons, vſes, intents, and conditions, as ſhall bee mentioned, ſpecified, or declared

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in that writing indented, or last will and testament onely, and to none other person or persons, vses, intents, nor prouisoes. Prouided further, and it is declared by these presents, that the true intent and meaning of this Indenture is, that when any vse or vses aboue limited, or any estate thereby made or growne, by vertue or meaning of these Indentures, or by any prouisoes, conditions, or limitations aforesaid, shall cease, end, and determine, by breaking of any prouiso or condition: that then immediately the vse of such and so much of the premisses, whereof any vse or estate aboue limited, shall so cease, end, or determine, shall be immediately, after former limitations in vse, ended, ceased, or determined, in such person or persons, to whom the vse thereof is next limited and appointed by these Indentures, of like estate, and in maner and forme, as the same should haue bin, if the same limitation had bin without any prouiso or condition, and had bin ended in deed.

The limitation of Vses.

AND it is further couenanted &c. that the said feoffees shal be seised of the said manors, landes, &c. to the vse of the said A. and the said issues males &c. vntill such times as the said A. or any one or moe of his issues males, after hee, they, or any of them shal be owners of the premisses, or of any part or parcell thereof, in possession, reuersion, or remainder, shall either doe, or sufker to be done, some act or actes, thing or things, for the discontinuance of the taile of the premisses, or any part or parcell thereof, or for taking away the right of the premisses, or of any part or parcell thereof, otherwise than is appointed by the Act of Parliament made in the two and thirtieth yeare of the raigne of King Henrie the eight, intituled, An Act that the leasees should enioy their Farmes against the Tenaunt in taile, or in the right of their Wiues, or Churches, whereby the state of intaile of the premisses, or any part or parcell thereof, or the right of the said estate in the premisses, or in any part thereof limited by these presents to the said A. and his heires males aforesaid, shall not, or cannot take place, according to the true intent of his deed indented, and the meaning of the said B. &c. And then to the vse of the &c. Limiting other vses. Sect. 278

A Couenant reſeruing power to alter and raiſe vſes.

Sect. 279. PRouided alwaies, if it ſhall chance the ſaid I. D. by his teſtament and laſt will, made in writing and ſealed with his owne hand, or by Indenture inrolled, and ſubſcribed with his owne hand, or by deede of feoffement, or other conueyance in writing, ſealed with his hand and ſeale, to deuiſe, aſſure appoint or conuey, the premiſſes, or any parcell thereof, or any rents, annuities, fees, offices, or any other profits, commodities or aduantages going out, or comming out of the premiſſes, or any parcell thereof, or by any writing indented, ſealed by the hands of the ſaid I. D. and ſubſcribed, and deliuered by him, to limit, diſpoſe, appoint, or aſſigne the vſe or vſes, of all and ſingular the premiſſes, or any parcell thereof, or to appoint any rents, annuities, offices, fees, commodities, profits or aduantages out of the premiſſes, or any part thereof, or the vſes thereof, in any other ſort than before is ſpecified in theſe preſents, that then and from thenceforth as well the aſſurances aforeſaid ſhall bee, as the ſaid R. D. &c. their heires and aſſignes, As alſo all and euery other perſon and perſons, and their heires, any thing lawfully hauing or claiming in the premiſſes, or any part thereof, by the ſaid R. D. &c. their heires or aſſignes, or after or vnder, their eſtate or intereſt, ſhall ſtand and be ſeiſed of the premiſſes, or of ſuch parcell of the ſame, ſo deuiſed, aſſured, conueyed, limited, or appointed, And alſo ſhall ſtand and bee ſeiſed to ſuch vſe and behoofe, and of ſuch perſon or perſons, to whom ſuch annuities, fees, profits, commodities, or aduantages of the premiſſes, ſo ſhall be deuiſed, conueyed, limited, aſſured, or appointed of ſuch eſtate and intereſt, as in the ſame conueyance, laſt will, or feoffement, or in the ſame writing, and euery or any of them ſhall bee conueyed, and not otherwiſe, nor in any other maner: any thing to the contrarie notwithſtanding.

A Couenant to alter vſes.

Sect. 280. AND it is further condeſcended and agreed betwixt the ſaid parties, and euerie of them, for themſelues, their heires and aſſignes doe couenant and grant to each other of the ſame parties, and their heires and aſſignes, that if it fortune at any time hereafter the ſaid T. T. during his life, to draw and ingroſſe in parchment, or cauſe &c. another Indenture with certaine couenants contained in the ſame, to lead to ỹ vſe

of

of the ſame recoueries, fines, and aſſurances in another ſort and order then in theſe preſent Indentures they be lead, limitted, and beſtowed: and the ſame ſo drawen and ingroſſed ſhall ſeale and deliuer as his deed, that then immediatly vpon the ſumme of tenne ſhillings of lawfull &c. diſburſed and beſtowed amongſt the poore inhabitants of the manor of Y. the ſame aſſurances and euery of them ſhall be, and the ſame A. B. C. D. their heires and aſſignes, and euery other perſon or perſons, hauing or iuſtly clayming to haue any eſtate or thing in the ſame premiſſes, or any part thereof, ſhall ſtand and be ſeiſed of the ſame, to thonely vſes contained in theſe Indentures, and to none other vſes nor intents: any thing in theſe Indentures to the contrary thereof notwithſtanding &c.

See more of Vſes in Couenants to leuie fines and ſuffer recoueries, and in Couenants to make Aſſurances, Couenants of marriage and Iointures.

A Proviſo for diſcontinuance of Vſes.

PRouided alwaies, that if any the ſaid ſonnes of the ſaid I. S. of his body lawfully begotten, or any &c. ſhall at any time hereafter aduiſedly, willingly, determinately, and effectually procure or aſſent, to or for any act or acts, thing or things, for any bargaine, ſale, diſcontinuance alienation, exchange, or forfeiture to be had or made of the ſaid lands, tenements, hereditaments, and other the premiſſes, or of any part or parcell thereof to him or them, or any of them, as is aforeſaid, by theſe preſents limitted, declared, or agreed to be conueyed in vſe or poſſeſſion, whereby any eſtate of the premiſſes or any part or parcell thereof in vſe or poſſeſſion mentioned, limitted, or declared by theſe preſents, may ſhould, or might by any waies, or by any meanes be vndone, diſcontinued, debarred, altered, determined or forfeited, and the ſame bargaine, ſale, diſcontinuance, alienation, exchange, or forfeiture, or any other open or effectuall thing or act towards the ſame effect ſhall attempt &c. or by any other effectuall act or acts, thing or things whatſoeuer, wherof or whereby any bargaine, ſale, diſcontinuance, alienation, exchange, or forfeiture, ſhall or may inſue: That then immediatly from and after the time of ſuch procuring, attempting, cauſing, commanding, willingly aſſenting, ſuffering, or going about, in manner and forme as is aforeſaid, and before any ſuch bargaine, ſale, diſcontinuance, Sect. 281.

nuance, alienation, exchange, or forfeiture, had, made, or perfected, executed, committed, or done, the ſaid vſe and vſes, eſtate and eſtates, ymitted and declared in theſe preſents, to him or them that ſo ſhall attempt, cauſe, procure, commaund, or wittingly aſſent or ſuffer any ſuch act or actes, thing or things, to bee proſecuted, executed, performed, done, or put in vre, in manner above declared, whereupon any bargaine, ſale, diſcontinuance, alienation, exchange, or forfeiture ſhall or may inſue contrarie to the true meaning of theſe preſents, of, and in ſuch, and ſo much of the ſaid mannors, lands, tenements, and hereditaments, with the appurtenances, for which any of the things aforeſaid, ſhalbe attempted, cauſed, procured, commaunded, aſſented, or ſuffered to be executed, performed, done, or put in vre, contrarie to the true meaning of theſe preſents, ſhall ceaſe onely, as in reſpect and having regard to ſuch a perſon or perſons, ſo attempting, procuring, cauſing, commaunding willing aſſenting to, ſuffering, or gowing about any act or acts, thing or things, aboueſaid, contrary to the intent and true meaning of theſe preſents, in ſuch ſort, quality, degree, and condition, as if ſuch perſon or perſons, their heirs, or heires, ſo attempting, procuring, cauſing, commanding, willingly aſſenting to, ſuffering, or going about any ſuch act or actes, thing or things, as is aforeſaid, were naturally dead, and no otherwiſe. And then and in ſuch caſe ſhall immediately come, growe, or be, by the true intent and meaning of theſe preſents, as if ſuch perſon or perſons that ſo ſhall procure or aſſent, to, or for any ſuch acte or actes, thing or things, were naturally dead, of ſuch like eſtate, and in like maner and forme, and with ſuch like remainders in vſe over, and with like limitations and conditions, as the ſame ſhould haue come, growen, or beene, if the ſame perſon that ſo ſhall procure, or aſſent to, or for any ſuch act or actes, thing or things to bee done, at, or immediatly before the time of ſuch procuring or aſſenting were naturally deade, and none otherwiſe.

A libertie by Vſes to make Leaſes.

Sect. 282. PRouided alſo, and it is fully couenanted, graunted, and agreed by all the parties to theſe preſents, that it ſhall and may bee lawfull to, and for the ſayd Sir I. S. by his deed or deedes indented, during the naturall life of the ſayde Sir I. S. to demiſe and leaſe the aforeſaydemannours, landes, tenements, and other the premiſſes appointed by theſe preſents to bee conueyed and aſſured to the aforeſayde

T. S. F. S. T. P. and L. P. and their heires, to the vſe of the ſaid T. for terme of his naturall life, without impeachment of waſt, and after his deceaſe to the vſe of I. S. the ſonne, and of the heires males of the bodie of the ſaid I. S. the ſonne, of the bodie of the ſayde P. lawfully begotten, and for default of ſuch heires, to the vſe of the heirs of the bodie of the ſaid I. S. the ſonne lawfully begotten, with other eſtates in vſe of the ſame, as is aforeſaid, to any perſon or perſons for the terme of xxi. yeares and not aboue, or for any leſſer terme or termes from the making of the ſame leaſe or leaſes, whereof no former leaſe and leaſes, of, and in the ſame manors, lands, and tenements, ſo to be demiſed, ſhall at the time of the making of the ſame leaſe or leaſes, haue being and continuance. So that vpon euerie the ſame leaſe or leaſes ſo to be made, the old and accuſtomed rent and rents or more ſhall bee reſerued, to haue continuance, and ſhall be paiable yerely during the ſame leaſe or leaſes, to ſuch perſon and perſons as ſhall haue the immediate reuerſion or remainder thereof during the ſame leaſe or leaſes, to bee made. And ſo that the ſame leaſe nor leaſes, nor any of them, be made without impeachment of waſt, and that then the ſaid aſſurance and aſſurances to be made, as is aforeſaid, ſhall be, and the ſaid T. S. F. S. T. P. and L. P. and their heires ſhall ſtand and be ſeiſed, of, and in the premiſſes ſo to be demiſed or leaſed, as is aforeſaid, to the vſe and vſes of ſuch ſeuerall perſon and perſons, to whom the ſaid premiſſes or any parcell thereof ſhall be ſo leaſed, their executors, adminiſtrators, and aſſignes, for and during ſuch terme and termes as been before declared, or vnder, as ſhall be limited vpon any ſuch leaſe or leaſes to be made, as is aforeſaid, vpon any ſuch like ſeuerall conditions to be annexed to the vſes, for non-payment of the ſeuerall rents ſo to bee ſeuerally reſerued vpon ſuch leaſes, as ſhall be limited in the ſame leaſes, and annexed to the leaſe of the ſaid lands, by the true intent and meaning of ſuch leaſes: any thing in theſe preſents mentioned or expreſſed to the contrary in any wiſe notwithſtanding.

Conueyances to vſes.

AND to the vſes that the ſaid W. P. may during his life make ioin- Sect. 283.
ter or iointers of all ſuch lands, tenements and hereditaments in S. aforeſaid, parcell of the premiſſes laſt recited, being now in the poſſeſſion of T. P. and I. P. brethren of the ſaid W. to any ſuch wife

or

or wiues as they the said T. and I. M. or either of them, shall fortune hereafter to marie or take to wife, for and during their naturall life or liues. And that it shall likewise be lawfull to the said W. M. to make ioynter or ioynters of lands, tenements, and hereditaments, in S. and R. parcell of the premisses last recited, to the yearely value of &c. to any wife or wiues, that he shall hereafter fortune to marry and take to wife other then M. his now wife, for and during the naturall life or liues, of any such wife or wiues. And further, that it shall be lawfull, to and for the said W. M. during his life, and to the said T. M. his sonne and heire apparant after his death, to make a ioynter or ioynters to any such wife or wiues as the said T. M. the sonne shall hereafter fortune to marry of the said manors, lands, tenements, and hereditaments, parcell of the premisses last recited, of the yearely rent of fortie pounds aboue all charges and reprises. And that the said W. M. shall haue in like maner frée libertie and lawfull authoritie and power during his naturall life, of lands, tenements, and hereditaments, parcell of the premisses last recited, of the yearely rent of twenty pounds, to make leases and grants thereof to the yonger sonne or sonnes of the said W. for terme of their naturall life or liues, or thereof, or of any part therof, to declare his last will and testament, for the performance therof and payment of his debts, so that it be but for the space and terme of twenty yeares, or vnder, next after the death of the said W. And that the said I. M. and other the said Cousins and their heires, shall stand and be seised of the said premisses, or any part therof appointed, limited, or assigned by the said W. M. for the ioynter or ioynters of his wife or wiues of the saide brethren, or either of them, or for any wife that the said W. shall hereafter marrie, or the wife or wiues of the said T. M. or to his yonger son or sonnes, during life or liues, in maner and forme aforesaid, to the vse of such person and persons as the said W. shall assigne, limit or appoint the same during the time aforesaid, and according to the limitation aforesaid.

Trust

Trust.

A bargaine and sale in trust to vses.

THis Indenture tripartite &c. Betweene T. T. on the first partie, B. C. D. and E. on the second partie, and F. G. H. I. and K. on the third partie, Witnesseth, that the said T. T. for the speciall trust and confidence that he hath in the said A. B. C. D. E. F. G. H. I. K. and for the sum of &c. Hath giuen, bargained, and sold, and by these presents doth giue, bargaine, and sell vnto the said A. B. &c. all those his lands &c. To haue and to hold &c. during the naturall life of the said T. T. and for and during the terme of tenne yeares next and immediately following after the naturall death of the said T. T. And after the death of the said T. T. and after the said terme of ten yeares ended and determined, then to haue and to hold the said manners, lands, &c. to the said A. B. C. D. &c. their heires and assignes, to the vse of them and their heires &c. And vpon condition that if the said G. H. I. and K. and their heires, or the survivor or survivors of them, and his and their heires shall before the naturall death of the said T. T. or within fiue yeares next after the naturall death of the said T. T. alien, bargaine, and sell the premisses with the appurtenances, or so much thereof as by the said T. T. shall be limited or appointed by him, by word or by writting, will, or otherwise, And the desire and request of the said T. T. is, that after the bargaine, sale, or alienation so had or made, the said A. B. C. D. &c. for the speciall trust and confidence that the said T. T. doth put in them, shall within fiue moneths next after such bargaine, sale or alienation, purchase or cause to be purchased, other lands, tenements, and hereditaments, of as much cleere yearely value as the premisses that shall be so bargained or sold by them or any of them shall amount vnto, and that the survivour or survivors of them shall within six moneths after such purchase, cause the same lands so purchased to bee by good assurances and conueiances in the said Law assured and made sure to the heires of the said T. T. in fee simple discharged of all maner of charges and incumbrances by them to be had, made, done or suffered. Sect. 284.

Prouided alwayes, that for default of such bargaine, sale, or alienation of the premisses, by these presents giuen or granted, bargained or solde, from and after the said naturall death of the sayd T. T. and

from and after the said terme and end of ten yéers next after the natural death of the said L.L. the said A.B.C. and D. &c. and all and euerie person and persons that shalbe seised, of, or in the said tenements and premisses, shall stand and be seised thereof to the onely vse and behoofe of the right heires of the said L.L. of, and in so much of the premisses by these presents giuen or granted, whereof no bargaine, sale, or alienation shall be hereafter by the said A.B.C.D. &c. so made as is aforesaid. And that then, and from thenceforth it shall be lawfull for the said right heires of the said L.L. to reenter into so much of the premisses, whereof no such bargaine, sale, or alienation, as is aforesaid, shall be hereafter by the said A.B so made as is aforesaid. And the said G.H.J. and K. do couenant &c. that they and euery of them shall permit and suffer the said A.B. and C. &c. and euery of them and their assignes quietly to receiue and take the issues and profites of all and singular the said premisses with the appurtenances during the naturall life of the said L. L. and during the said terme of ten yeares next after his naturall death, without interruption or disturbance of the said G.H.J. and K. or any of the or any other person or persons, by the meanes and procurement of any of them, to be imployed and bestowed to such purposes, vses, and intents as the said L.L. hath and shall assigne, limit, and appoint. And the said G.H.J. and K. for themselues doe couenant &c. That if it shall fortune the said A.B. and C. to decease during the naturall life of the said L.L. that then the said D.F.G.H.J. and K. and their executors and assigns, shall peaceably permit and suffer the said D. G. and F. and euery of them and their assigns, to haue, take, and receiue all and singular the issues, rents, reuenues and profits, of all and singular the premisses, and euery part and parcell thereof, for and during &c. without any let or impediment to be had, made, or procured by the said G.H.J. and K. or any of them, or by any other person or persons, by the meanes or procurement of any of them, to be imployed and bestowed to such vses and intents, as the said L.L. shall limit, declare, assigne, or appoint by word or writing. And the said L.L. for him, his heires and assignes doth couenant &c. that the said &c. and euery other person and persons now being seised, of, and in the premisses, or of, or in any part or parcell thereof shall from henceforth stand and be seised thereof, and of euery part thereof, to the vses, intents, behooues and conditions, in these presents before declared, mentioned, and expressed, and to, or for none other vse, intent, or purpose. In witnesse whereof &c.

Cone-

Couenants to conuey a Diuise and goods in Trust, to stand of the Couenant.

THis Indenture &c. Betweene W. G. and W. L. &c. Witnesseth, Sect. 285.
that in consideration of a Mariage to be had & solemnized betweene the said W. L. of the one partie, and B. D. widowe, daughter of the said T. G. of the other party, It is holy fully couenanted &c. that is to say, the said W. L. &c. doth couenant &c. that where I. B. by his deed indented, dated &c. hath demised, granted, and to farme letten to the said W. L. all that his Manor of C. To haue and to hold &c. as by the said Indenture more plainely doth and may appeare, the said W. L. in consideration of the said Mariage to be had and solemnized betweene him the said W. L. and the said B. in maner and forme aforesaid, and for the great zeale and loue that he beareth to the said B. couenanteth &c. that he the said W. L. before the feast of &c. shall at the costs and charges of him the said W. L. his executors or assignes, by his deed inuented, assure, demise, giue, and grant to A. and C. the said Manor of &c. together with all his right, title, interest, possession and terme, which the said W. L. hath to come, in, and to the same Manor, and other the premisses. To haue and to hold the same to the said A. and C. and their executors, administrators and assignes, during the residue of the said terme of years yet to come, of, in, and to the said tenements and premisses, by vertue of ꝑ same Lease or yeres aboue in the said presents recited, vpon condition only, that the said A. and C. and their executors and administrators, and the executors or administrators of ꝑ survivor or survivors of them, shall within vj. moneths next after the same assurance, demise, gift and grant so by the said W. L. made of the premisses to the said A. and C. make one other demise and grant to the said W. L. and B. of the said Manor of &c. to the said W. L. and B. their executors, administrators and assignes, from the date of the same demise and grant so by the same A. and C. to be made to the said W. L. and B. for and during the residue of the said lease and terme of years, mentioned in the said former Indentures yet to come, fully to be accomplished and ended. In which Indentures there shal be a sufficient clause or prouiso contained, That if it happen the said W. L. to die, and the said B. him to ouerliue, and that after the death of the said W. L. it shall happen the said B. to die before the end of the said terme of yeares comprised in the said lease made to the said W. L. in maner and forme aforesaid, that then the residue of the said terme of years, which shall so happen to remain & be vndermined at the death of the said B. shal remain, go and be to the executors of the said W. L. And further the said W. L. couenãteth &c. that if it shall

happen the sayd Wi. L. to dye, and the said B. to survive and overline the sayd Wi. L. that then the said Wi. L. shall further in consideration of the sayd marriage by his last will and testament, freely give, assure and assigne to the sayd B. to his owne proper use towards her living, advancement and preferment, goods and cattels, then being discharged of all incumbrances, and which the said Wi. L. shall then have by good and iust title, amounting to the cleere yerely value of &c. of the proper goods and chattels of the sayd Wi. L. And further the said Wi. L. covenanteth, &c. that after one assurance, graunt and conveyance made of the sayd terme and lease of the said manors &c. by the said A. and C. and to the sayd Wi. L. and B. and to the longer liver of them, in manner and forme aforesaid: That then and from thencefoorth during the life of the said Wi. L. and B. the said Wi. L. shall not bargaine, sell, surrender, forfeit, give nor alien the sayd tenements and premisses, or any part thereof, nor his said estate, terme or interest, of, in, or to the same, or any part thereof, nor shall in any wise incumber the said manor, or other the said premisses, or any part thereof, but that the executors of the said Wi. L. shall acquite, discharge, and save harmeles, against the said B. as the said manor and other the premisses, and every part thereof, during all the said terme of yeares, in, and to the said premisses limited, appointed, and to be assured and conveyed to the said B. in manner and forme aforesaid, of all &c. And further the sayd Wi. L. covenanteth &c. that he the said Wi. L. his executors and assigns, shall and will at all times hereafter from time to time, doe, suffer, and cause to bee done and suffered, all and every such act and acts, devise, thing and things, as hereafter shall be reasonably devised, or advised by the said T. G. his executors or assignes, or by his or their Counsell learned in the law, for the further and better assurance and sure making, of, and to the said lease and terms of yeares, of, and in the said manor of C. &c. to be assured and made sure to the said Wi. L. and B. and to the survivor of them, or to either of them, in maner and forme aforesaid. Provided alwaies, and it is further covenanted &c. betwixt the said parties to these presents &c. and the said Wi. L. for him, his heires &c. covenanteth &c. to, and with the said T. G. that if it shall happen the said Wi. L. or the said B. M. to decease, or die before the said marriage had betwixt them, or that any of them shall refuse to marry with the other of them, at any time limited for the said marriage, or that the Law of God them to marry will not permit and suffer, or any other lawfull impediment shal happen, whereby the said marriage shall not take effect: That then the said Wi. L. &c. shall satisfie, content, or otherwise repay to the said T.

A Conveyance in trust by a widow of a lease given unto her first husband for her second husband for life.

Sect. 286.

THis Indenture &c. Betweene A.B. widow, late wife of E.B. and executrix of the last will and testament of the said E.B. of the one partie, and E.B. of &c. and W.B. of &c. on the other partie, Witnesseth, That whereas the said E.B. by his indenture and testament, bearing date &c. did give unto the said A.B. all his interest, lease, and terme of yeares which he had in &c. with the farme of &c. and of all his lands, all his plate, cattels, debts, and implements of houshold then being and remaining there: Provided always, that if it shall happen the said A.B. to depart this mortall life before the end and expiration of the said yeares herein expired, mesne and determinate, that then the interest and termes of yeares of the said A.B. in the said farme of &c. and &c. should cease, and then and from thenceforth hee willed that the said farme with, &c. as it came to the said A.B. should remaine to W.B. his daughter, and her heires, during the residue of the said yeares then to come in the said farme &c. Know ye now by these presents, that the said A.B. for sundrie considerations her moving, and especially for the performance of the said will of the said E.B. according to the meaning thereof, hath given, granted &c. and by these presents doth fully &c. unto the said E.B. W.B. and R.B. all that her said right, title, estate, interest, lease, and termes of yeares which the said A.B. hath yet to come and expire of and in the said farme of &c. and of and in all &c. Nevertheless, the said E.B. A.B. and R.B. doe covenant &c. that the said A.B. and her assignes, shall have the occupation and use of all the said messes &c. and all and singular other the premisses in the said former all recited &c. and shall and may have and take the profits and commodities of the same to her owne use, community and benefit, during the said terme in the said lease of the premisses, if the said W.B. shall so long

Sect. 287.

said Indenture of lease, and all his estate, interest, and terme of yeares yet to come by vertue of the said lease made by the said &c. in and to the said lands, grounds, and premisses in G. aforesaid. To have and to hold the said premisses in G. aforesaid to the said F. S. and J. N. their executors and assignes, in manner and forme following, that is to say, To the use of the said F. S. [illegible] the terme and termes of foure yeares yet to come and unexpired of the said lease made by the said &c. if the said W. T. so long live, and after the decease of the said W. T. remaining the terme and termes aforesaid unexpired, to the use of the said D. shall so long live, and after the decease of the said W. T. and D. to the use of the first issue male of the said W. T. by the said D. lawfully to be begotten, and to the heires of the body of such first issue male lawfully to be begotten, and for default of such issue male, to the use of the said W. T. for and during the terme of his naturall life, and after the decease of the said W. T. the said terme of foure yeares shall cease and determine, and shall thereupon remaine, reverter, and come to the said W. T. his executors and assignes, for the residue of the said terme of foure yeares, if the said W. T. shall so long live, and after the decease of the said W. T. to the use of the first issue male of the said D. lawfully to be begotten, and to the heires of the body of such first issue male lawfully to be begotten, and for default of such issue male, to the use of the first issue female of the said D. lawfully to be begotten, and to the heires of the body of such first issue female lawfully to be begotten, and for default of such issue female, to the use of the right heires of the said W. T. for ever. Provided alwayes, and it is the true intent and meaning of the said parties to these presents, and of every of them, and it is declared and agreed by and between the said parties to these presents, and every of them, that the said W. T. by the said first mentioned lease, and the said terme of foure yeares therein and thereby granted, shall have and enjoy the said messuages, lands, tenements, and premisses, with the appurtenances, during the said terme of foure yeares, if he the said W. T. shall so long live, without any let, trouble, or interruption of the said F. S. and J. N. their executors, administrators, or assignes, or any of them, or any other person or persons whatsoever, lawfully claiming by, from, or under them, or any of them, by any meanes whatsoever. And the said W. T. doth covenant, promise, and grant to and with the said F. S. and J. N. their executors and assignes, and every of them, by these presents, that he the said W. T. his executors, administrators, and assignes, shall and will from time to time, and at all times hereafter, during the said terme of foure yeares, if the said W. T. shall so long live, well and truly pay, or cause to be paid, unto the said F. S. and J. N. their executors and assignes, or to some of them, the yearely rent of &c. reserved upon the said lease, at the feasts and dayes in the said lease limited and appointed for payment thereof, without any deduction, defalcation, or abatement whatsoever, for any cause, matter, or thing whatsoever, except for and in respect of the payment of the land-tax, and other taxes, charges, and impositions, which by the said lease are to be borne and paid by the said lessee, his executors, administrators, or assignes, and shall and will from time to time, and at all times hereafter, during the said terme of foure yeares, if the said W. T. shall so long live, well and truly observe, perform, fulfill, and keep all and every the covenants, grants, articles, clauses, payments, and agreements, which by the said lease are to be observed, performed, fulfilled, and kept by the said lessee, his executors, administrators, or assignes, according to the true intent and meaning of the said lease, and of these presents. And the said W. T. doth further covenant, promise, and grant to and with the said F. S. and J. N. their executors and assignes, and every of them, by these presents, that he the said W. T. his executors, administrators, or assignes, shall not nor will, during the said terme of foure yeares, if the said W. T. shall so long live, do, commit, or suffer any act or thing whatsoever, whereby the said lease, or the said terme of foure yeares therein and thereby granted, or any part thereof, shall be forfeited, surrendred, or become void or voidable in the law, without the consent of the said F. S. and J. N. their executors or assignes, or some of them, in writing first had and obtained. And the said W. T. doth further covenant, promise, and grant to and with the said F. S. and J. N. their executors and assignes, and every of them, by these presents, that he the said W. T. his executors, administrators, or

Sect. 288

AND the said [illegible]

Sect. 289.

TRust and confidence that he the said I. S. hath [illegible]

A. B. C. D. &c. and their heires and assignes, and for the grant and good will which he beareth to the poore people which now be, and which hereafter from time to time shall be inhabiting and dwelling within the towne of C. in the Countie of D. And towards the maintenance, repayring, and making of such Bridges and high-wayes, as now be, or hereafter shall be made or made in the said Towne of C. or within one halfe mile of the same. Also for and towards the aid charge, payment, and contribution of Subsidies, taxes, assesses, taxes, and other common charges and impositions layed with the said Towne of C. or the inhabitants thereof, shall or may be charged, and in ease and relefe of the poore people of the said Towne of C. for the time being, hath given, granted, and confirmed, and by these presents for him and his heires, doth freely and absolutely give, grant, and confirme into the said A. B. C. D. &c. and their heires for ever, all those his messuages &c. To have and to hold the said A. B. C. D. &c. their heires and assignes for ever, to the only use and behoofe of the said A. B. C. D. &c. their heires and assignes for ever upon trust. And to the intent that they the said A. B. C. D. &c. their heires and assignes, shall levie all the yearely rents, revenues, issues, and profits of the said tenements and premisses &c. further and towards the said poore people, for and which hereafter shall be inhabiting and dwelling within the said Towne of C. and the said Bridges maintained and made, and the said payments, contributions, and charges shall duely and truely in such sort and manner, as shall yearely from time to time for ever be agreed upon and thought meete by the chiefest part of the inhabitants of the said Towne of C. for the time being. And the said A. B. C. D. &c. and every of them. That if the said A. B. C. D. &c. or any of them, shall at any time or times hereafter remove, goe, and depart freely forth of the said Towne of C. to any other place to inhabit and dwell, and no more shall inhabit and dwell out of the said Towne of C. that then such part or parts of the said twelve Capitall messuages, which shall so departing forth of the said Towne of C. and inhabiting and dwelling in any other place, shall not after such time, or their departing thence, as is aforesaid, take, receive, or dispose any of the rents, issues, or profits of the said tenements and premisses: But at all times after such time or their so departing and going away of him or them, as is aforesaid, shall grant, remise, release, and assigne to the residue of the said twelve persons then living and there present, or to such other twelve persons which shall be named and chosen by the assent of the most part of the said inhabitants of the said Towne of C. then for the time being, to be substituted

citizens and put in place and roome of the said person or persons so
expiring or dying, and of the rest and of the said tenths then remain-
ing, of surviving, and their heires, all his and their estate, right, title,
and interest, of, and in the said lands and premisses, discharged and kept
harmelesse and saved from all bargaines, estates, titles, charges, troubles,
and incumbrances, then had or made, or to be had or made, by him or
them, or any of them, so dying or departing away, as aforesaid, as shall
be devised or required by the chiefest or greatest part of the inhabitants of
the said towne of C. aforesaid for the time being, or by them, or any of
their counsell learned in the lawes of this Realme, except such lea-
sses for the terme of yeares as shall be made according to the tenor and
true meaning of these presents. And it is further intended, meant,
and agreed by and between the said parties to these presents, that when
and so often, and at what seasons or times whatsoever, all or any of the said
twelve persons aforenamed or to be elected, or any other
person or persons hereafter to be elected or appointed in their, or any of their
stead or steads, as aforesaid, shall be dead or removed out of the said towne of C. or shall refuse
or become unfit to act in the said trust before the full end and terme of the said
trust, that then and so often it shall and may be lawfull to and for the chiefest and most substantiall part of the inhabitants of the
said towne of C. for the time being, to name, elect, nominate, and appoint
one or more of the inhabitants of the said towne of C. for the time being,
to be one or more of the said twelve persons, to stand and be in the roome and
stead of him or them, or any of them, so dead, removed, refusing or becoming unfit to act,
as aforesaid, and to every such person or persons so elected and appointed shall be
invested in the place and roome of the said so dead, removed, refusing or becoming unfit to act,
as aforesaid. And in like manner and forme, election and elections of the said twelve
to be made, as is aforesaid, from time to time successively for ever, so
often as it shall be requisite. And that after such election or elections
of such twelve persons to be fitted, as is aforesaid, made by the said
inhabitants of C. aforesaid, such and so many of the twelve aforesaid,
as shall be then living, at the reasonable request, costs and charges of the
inhabitants of the said Towne then being, or the most of the chiefest
part of the inhabitants of the said Towne for the time being, shall by
sufficient deed or deeds of alienation, bargaine and sale, release, quit-
clayme, and assure the said lands and premisses, to the said 12. persons
so newly chosen, and their heirs, to the uses and intents aforesaid, with
such covenants and conditions therein to be contained, as shall be thought
requisite to the said chiefest part of the said inhabitants for the time
being, by their learned counsell, to be free and of all titles, charges, and in-
cumbrances, had or made, or to be had or made by them, or any of them,
other than such as shall be made by their said particular estate of the said
inhabitants for the time being, as aforesaid. Provided always,

and

and ytterly, to those p̄sents in manner and forme following, that is to say, that it shall not, nor may not be lawfull at any time or times hereafter, to, or for the said A.B. and his said cofeoffees before named, or any of them, their heires or assignes, or any of them, or any other person or persons whatsoever hereafter to be named, chosen or elected feoffees of the said lands, tenements, and premisses, to vse, dispose, assigne, or charge, sweare, implead, or contract the said lands, tenements hereditaments, and premisses, with thappurtenances, or any part thereof, or the rents, issues, and profits thereof, or of any part thereof, to any other vse or vses, intent or intents, or any other matter, then to the vses above in these presents mentioned, viz. for the benefit of the most or chiefest part of the inhabitants of the said towne of C. for the time being, thereunto first had and obtained, or to frustrate, revoke, determine, frustrate or make void any rent or rents, condition or conditions, graunt, covenant or agreement reserved, contained, mentioned or implied, or to be referred, contained, mentioned, or implied, in, or by any lease or leases that shall be made of the said tenements and premisses, or of any part thereof, nor to make any new lease or leases of the said tenements and premisses, or of any part thereof, before such time as all former leases of so much thereof so meerely to bee demised shall bee ended, determined, surrendred or voyd, nor for any longer time or terme then xxi yeares, from the making of such new lease or leases, nor for any lesse or smaller rents, than are now and are reserved and yeelded for the same, and for and under such conditions and clauses of reentrie for default of paiments of any rent or rents to bee reserved, in, or by any such lease or leases, and with such other conditions, p̄visoes, and covenants therein to be contained, as from time to time for ever shall bee thought meete and requisite by the said mayor or chiefest part of the said inhabitants of the said towne of C. for the time being. And provided also, and upon condition, and it is the true intent and meaning of these p̄sents, and of all the parties to the same, and the said inhabitants of the said towne of C. do consent and agree, that it shall not at any time hereafter be lawfull to any person or persons that hereafter shall be named, chosen, and made feoffee or feoffees of the said tenements and premisses as is aforesaid, during such time as he or they shall so remaine and bee feoffee or feoffees thereof, to have, take, or occupie any part of the said tenements and premisses by lease for yeares or otherwise, nor to any lessee or farmer of any part of the said tenements and premisses, during such time as he shall so be lessee or farmer thereof, to bee named, chosen, or made feoffee thereof,

or

or of any part thereof. And it is further concluded and agreed, by the
before-named all the said parties to these presents, and every of them, with
the full consent and agreement of the said inhabitants of the said town
of C. that yearly, and every year for ever hereafter, three of the said per-
sons being, or which shall be chosen of the premisses, as is aforesaid, shall
be chosen by lots, and named the common Governors of C. and Governors
or Collectors and keepers of all such rents, revenues and profits as shall
come, rise, or grow of, and for the said tenements and premisses, to the
use aforesaid, and to do all such acts and things as shall be necessary, for,
or about the same until the Friday next after the feast of S. Ad vincula,
commonly called Lammas day, which shall be next after every time of
such choice of the said Governors as is aforesaid. And that every two per-
sons after upon the Friday next after the said feast of S. Ad vincula, commonly
called Lammas day, the said Governors for the years then past for the
time being, in the presence of so many of the inhabitants of the said town
of C. and the residue of the said fraternity, as shall be assembled to be then there
present thereat in the parish Church of C. aforesaid, shall make and yeild
up a just and true reckoning and account of all such sums of money, and
other things coming, shall then have received, disbursed, or done, in, for,
or by reason of the premisses, or any part thereof, unto the said inhabi-
tants, or the said residue of the said fraternity, not being then Governors there
and to deliver all the acquittances and receipts of their said receit unto
such three other persons, as shall then next after them be chosen Governors
of the premisses, as is aforesaid for ever. In witnesse &c.

Grants, and what they be.

Sect. 2. 90 A Graunt *Concessio*, signifieth permission, sufferance, leaue, licence, yeilding or giuing ouer of a thing, but specially taken, it signifieth a gift in writing of such things as cannot aptly passe by word only without writing: As rents, reuersions, seruices, aduowsons in grosse, common in grosse, villeine in grosse, tithes &c. or made by such persons as cannot giue but by deed: as the King, & all bodies politike, as Maiors and Comminalties, Deanes, Chapters, &c. which differences bin of-tentimes neglected, and then it is taken generally to signifie euery gift whatsoeuer made of any thing by any person whatsoeuer. And he that graunteth, is termed the grantor, and he to whom the grant is made, the grantee. An instrument of grant, is a deed containing the discription of such a gift or grant, as is aforesaid. Of the examples whereof great variety insueth.

A Grant of a reuersion and common, with suit of Court reserued, &c.

THis Indenture made betweene F. of &c. and T. &c. Witnesseth, that the said F. hath granted, bargained &c. all those messuages, &c. with the appurtenances set, lying, and being within the Lordship of B. and in the parish of A. and S. and either of them, within the C. of Y. and now or late in the tenure or occupation of R. or his assignes, by force of one demise or lease not yet expired, made thereof to the said R. and his assignes by C. R. &c. And also the reuersion and reuersions of all and singuler the premisses, and euery part and parcell thereof, together with common for all maner of beasts of the said R. &c. his heires and assignes, in, and vpon the commons and waste grounds, parcell of the said Lordship and Manor, And all waies and passages, to and from the premisses, and euery part thereof, in such ample and large manner, as the said R. at any time heretofore haue vsually had, vsed or taken the same, sithence the making of the said Lease, together with one acre of pasture with the appurtenances, lying in a close of pasture called B. within the parish of &c. To haue and to hold &c. all the said messuages &c. and other the premisses, with sufficient common, as is aforesaid, and all other the premisses before bargained and sold, with all and singular their appurtenances, and the reuersion or reuersions of the same to the said T. &c. Yeelding and paying therfore yearely vnto the said F. his heirs and assignes, Lords of &c. the sum of three shillings yearely at the feast of &c. And also doing suit to the court of the said manor at two times in the yeare, vpon generall warning to be giuen for the holding of the sayd Court, by the Baylif or other officer of the said F. his heirs or assigns, Lords of the said manor. And if the said T. vpon such reasonable warning, as aforesaid, shall faile and make default in doing suit, as is aforesaid: That then and so often the said T. shall forfeit to the said F. &c. Lords of the said manor, for euery such default iiij. d. in full satisfaction for euery such default. And the said T. for &c. doth couenant and grant, to &c. F. &c. that if the said yearely rent of iij. s. or the said sum of iiij. d. for not doing suit to the Court, as is aforesaid be not paid: That then and so often it shall be lawful for the said F. his heirs and assigns, Lords of the said manor into the aforesaid premisses, and euery part and parcell thereof to enter, and there distraine &c. as by one deed therof made &c. bearing date &c. plainly appeareth. That now the said F. for diuers good and lawfull considerations him thereunto mouing, hath bargained and sold, giuen and granted to the said T. his heires &c. for euer, all the

Sect. 291.

said

ſaid meſuages, commons, rents, ſuit of Court, tenements, and other the premiſſes, and all his reuerſion and reuerſions, of, and in the ſame, and euery part thereof with the appurtenances. To haue and to hold the ſaid meſuages, tenements, and premiſſes with the appurtenances to the ſaid T. his heires and aſſignes for euer, to the only vſe and behoofe &c. In witneſſe whereof &c.

A Grant of the reuerſion of certaine lands, with other lands in poſſeſſion.

Sect. 292.

OMnibus ad quos &c. W.B.I.W.W.R.I.S. & I.W. ſalut &c. Cum M. vxor I.W. nuper vxor I.W. habeat & teneat pro termino vitæ ſuæ, ex dimiſſ. & feoffament prędt W.B.I.W.W.R.I.S. & I.W. diuerſas terr & tenţ cum ſuis pertineñ nup dicti I.W. viri ſui, ſcituat & iacenţ in villa de S. prędt, reuerſione & remañ eorundem terraꝝ et tenementorum immediatè poſt deceſſum eiuſdem M. nobis & hæred nris de iure ſpectanţ. Cumque etiam nos pd W.B.I.W. W.R.I.S. & I.W. ad preſens ſeiſiti ſumus & poſſeſſionati in Dñico noſtro vt de feodo, de & in diuerſis alijs terris, tenemtis, reddit & ſeruic', pratis, paſcuis, & paſtuꝝ, cum ſuis pertiñ, ſcituatis & iacenţ in H. in dict' coñ E. q̃ etiam nuper fuerunt dicti I.W. viri nup dictę M. Et quæ omnia & ſingula ſuprad terr, tenţ, & cætera pmiſſa in S. & H. pdictis, Nos pdicti W.B.I.W.W.R.S. & I.W. ſimul cum I.W. filio nup pred I.W. (qui totum ius ſuum nobis, heredibus nris nup, & aſſignatis noſtris in perpetuum, ex dono & conceſſione, & chartæ confirmatione I.G. Sciatis nos prefat W.B.I.W.W.R.I.S. & I.W. dimiſiſſe, tradidiſſe, conceſſiſſe, liberaſſe, & hoc pſenti ſcripto noſtro confirmaſſe prefat I.W. filio, ac M.C. filiæ nuper I.C. quam dict' I.W. (Deo dante) ducet in vxorem, tam omnia pred terras & tenementa cũ ſuis pertinentijs, quæ habemus in villa de H. pręd & alibi, Quam etiam reuerſionẽ & reuerſiones pdictarũ terraꝝ, tenementoꝝ, reddit, ſeruic' ac ceterorum pmiſſorum in S. pdict'. Habend & tenẽd omnia pręd terras & tenement, ac cetera pręmiſſa in H. pred, vna cum reuerſione pred terr, tenţ, & ceterorum premiſſorũ in S. immediatè cum acciderit poſt mortem dictæ M.W. prefato I.W. filio, & M.C. ac hered de corporibus eorum inter eos legit procreatis, de capitalibus &c. Et volumus, et per preſentes concedimus, quod ſi contingat dictos I.W. filium, & M.C. ſine hæred de corpor eorum inter eos legitimè procreatis obir, quod tunc omnia pd terr et tenţ, ac cetera premiſſa in H. pred, vna cum reuerſione præd terr et tenement

ac

acceteror̃ premisso̅r in S. prædict' immediate cum acciderit post mortem dict' M. W. integrè remanea̅t & reuertant. prędict' I. W. filio dict' W. G. & W. R. necnon I. S. & T. T. heredibus & assignatis suis in perpetuum, Tenendum de capitalibus &c. In cuius rei &c.

A Grant of Turbarie.

THis Indenture &c. witnesseth, that the said A. B. hath giuen &c. to the said L. F. and to the heires males of his body, &c. sufficient turbarie, with free liberty to digge and get turues, and libertie to drawe, reare, windrawe, repaire and stacke the same turues so digged and gotten within the manor of D. so often as need shall require, at all and euerie seasonable and reasonable time and times of the yeare, to be burnt spent, or vsed within, or at their mansion house of H. in the said County of L. and not elsewhere, with free entry, egresse and regresse, in, to, and from the said manor, messuage &c. to take and cary away the sayd turues, with carts, waines, or otherwise, at his and their wills and pleasures, at like seasonable and reasonable times, &c. Sect. 293.

A Grant of Common for a hundred Sheepe.

OMnibus &c. Sciatis me &c. in consideratione boni & laudabilis consilij per T. F. mihi impensi & imposterum impendend', dedisse, & hoc presenti scripto meo confirmasse eidem T. F. annuatim, durante vita ipsius T. F. custodiam debitam ad centum oues, tam in ouili, falda, & pastura conueniente cum ouibus meis per totũ annum custodiend' & pasturand', & infra manerium meum de D. in comitatu C. quam in omnibus & singulis terris et tenementis meis in D. Habend' gaudend', et percipiend' eidem T. F. et assignatis suis, p̃ tota vita ipsius T. F. Et bene licebit eidem T. F. toties quoties ei placuerit ad intrãd' in omnia præd' maneria, terras, & tenementa, ad superuidend' oues suas predictas, et eas in meliorem pasturam imponend' (si necesse fuerit) ac oues pred' & quamlibet p̃cellam earundem vendere, permutare, & ad votum suum de eis faciend', ac oues alias ad numerum centum ouiũ & non vltr̃, in ouil' et pastur' p̃d' imponere & dimittere custodiend' & pasturand' forma prædicta. In cuius rei &c. Sect. 294

A Grant of a Reuersion to the Queene.

THis Indenture made &c. Betweene K. W. of D. &c. on the one partie, and our most gratious soueraigne Lady Qu. Elizabeth on the Sect. 295.

the other party, Witnesseth, that the said R. W. for, and in consideration of a certaine summe of money to him payed by our said Soueraign, whereof he acknowledgeth the receit, and thereof and of euery part therof doth clerely acquite and discharge our said soueraign Lady her heires and successors for euer, hath giuen, granted, aliened, bargained, and sold, and by these presents doth give, grant, alien, bargaine and sell vnto our said soueraign Lady the M. maiest. her heirs and successors for euer, all that close of pasture or pastures, and all lands, tenements and hereditaments whatsoeuer, with the appurtenances, called or knowne by the name or names of B. scituate, lying, and being in the parish and fields of Y. in the C. of D. now or late in the tenure or occupation of J. B. or of his assignes, together with all the rights, members, and appurtenances of the same. To haue and to hold the said tenements and premisses, with the appurtenances to our said Soueraigne Lady the M. maiestie, her heires and successors for euer, vnto the only proper vse and behoofe of our said soueraigne Lady the M. maiestie, her heires and successors for euer. Prouided alwaies, and vpon condition following, that if the said R. W. or his heires, or any of them, doe at any time hereafter grant by his deed, to be inrolled in the M. highnesse Court of Chanceris, one annuity or yearely rent of &c. of lawfull English money, vnto our said soueraigne Lady the M. highnesse, her heires and successors, issuing and going forth of any the lands, tenements and hereditaments of the said R. W. or of his heires, declaring his or their intent therein to be, that this said grant to the M. highnesse shalbe void: That then this present deed, or grant, bargaine and sale of the said premisses with the appurtenances to the M. highnesse, her heires and successors limited and appointed, shalbe vtterly voide, frustrate and of none effect &c. In witnesse &c.

A Grant of a Remainder and a Reuersion of lands to the Queenes Maiestie, for the preseruation thereof by deed inrolled, reuocable by tender of money &c.

Sect. 269. TO all faithfull people to whom &c. J. C. of L. in the C. of Yorke Clothier, sendeth greeting in our Lord God euerlasting. Whereas one J. C. my father late of L. aforesaid, in the said C. of Yorke deceased, was lawfully seised in his demeane as of fee, of, and in certaine closes and parcels of land, medow, and pasture, lying and being on the North side of one water or riuer called L. in M. within the parish of Y. in the Countie of Yorke. And the said J. C. being of the lands, tene-

tenements, and p̄emiſſes ſo ſeiſed, did by his deed indented, bearing date &c. giue, graunt, and confirme the ſaid p̄emiſſes to E.C. his ſonne and naturall brother vnto me the ſaid I.C. by the name of E.C. his younger ſonne. To haue and to hold all and ſingular the p̄emiſſes with their appurtenances, to the ſaid E.C. and to the heires males of his bodie lawfully begotten. And if it ſhould happen the ſayd E.C. to die without iſſue male of his bodie lawfully begotten: that then all the afor̄eſaid lands and tenements with the appurtenances, ſhould remaine to me the ſaid I.C. elder brother of the ſaid E.C. and to the heires males of my bodie lawfully begotten. And if it ſhould happen me the ſaid I.C. to die without heire male of my bodie lawfully begotten: then the afor̄eſaid landes and tenements with their appurtenances to remaine to the heires males of him the ſaid I.C. the giuer lawfully begotten: And if it ſhould happen him the ſaid I.C. to die without ſuch iſſue male of his bodie lawfully begotten: that then all the ſaid lands and tenements with the appurtenances ſhould remaine to the heires of the bodie of the ſaid E.C. lawfully begotten. And for̄ default of ſuch iſſue: that then all the for̄eſaid landes and tenements with thappurtenances ſhould wholly reuert to the right heires of him the ſaid I.C. the giuer, whereſoeuer they can be found for̄ euer, as by the ſaid deede indented more plainely appeareth. The remainder of which ſaid lands and tenements with thappurtenances by vertue of the ſaid deede, together with the reuerſion thereof, are expectant vnto mee the ſaid I.C. being ſonne and heire vnto the ſaid I.C. the giuer, and elder brother vnto the ſayde E.C. Know yee therefor̄e mee the ſaide I.C. for̄ diuers good cauſes and conſiderations mee eſpecially mouing, to haue giuen, graunted, and confirmed, and by theſe p̄eſents doe giue, graunt, and confirme to our Soueraigne Lady Eliz. by the grace of God, Quéene &c. all my reuerſion and remainder of the ſaid landes &c. and all my right, title, intereſt, eſtate, vſe, poſſeſſion, and demand which I now haue, or at any time hereafter ſhall haue, or ought to haue, of, and in the ſame. To haue and to hold the ſaid reuerſion and remainder whenſoeuer the ſame ſhall happen, and all other my right, intereſt, eſtate, vſe, poſſeſſion, and demaund, which I now haue, or any time hereafter ſhall or ought to haue, of, and in the p̄emiſſes, vnto our ſaid Soueraigne Lady Quéen Eliz. and her ſucceſſors for̄ euer, vpon this condition following: that is to ſay, if I the ſaid I.C. mine heires or aſſignes, or any of vs, doe at any time hereafter, offer or render to pay vnto the Barons of her Maieſties Court of Exeheq. or to any one of them ſitting in the open court there, for̄, and to her Maieſties

vse, or to the vse of her successors, the summe of vl.s. of good and lawfull money of England: That then immediatly and at all times after such tender and offer of payment to be made of the said summe of vl.s. to her Maiesties vse, or to the vse of her successors, as aforesaid: This present graunt, and the knowledging and inrolling thereof, and euery thing and things therein contained, to be vtterly void, frustrate, and of none effect. And such reuersion, remainder, vse, possession, and estate which I now haue in the premisses, or at any time hereafter ought to haue (if this present graunt were not made) by any possibilitie, immediatly after such tender and offer of payment made (as aforesayd) shall bee and remaine to mee and my heires for euer, and so to be adiudged and taken for euer, in such manner and forme, as though this present graunt had neuer beene had, made, knowledged, nor inrolled: This present writing, nor the knowledging or inrolment thereof, or any thing therein contained to the contrarie thereof in any wise notwithstanding. In witnesse whereof vnto this my present writing I haue set my hand and seale. Giuen the vj. day of M. in the yeare of the raigne of our said Soueraigne Lady Elizabeth by the grace of God, of England &c.

A sale of a reuersion.

Sect. 397. OMnibus &c. I.H. salutem in dño sempitern. Cum C.M. vidua q̄ fuit vxor I.M. iuxta voluntat eiusdem I. M. habeat & teneat ad termiū vitæ eiusdem C. ex dimissione, traditione, & chartę indentatæ confirmatione mei dicti I.H. ac I.B. iam defunct, omnes illas terras &c. quę ego dictus I.H. & prædictus I.B. quondam coniunctim habuimus nobis hæred & assignat nostris imperpetuū, ex dono & feoffamento dict I.M. in villa & campis &c. & reuersione omnium prędictorum terrarum, tenementor, & reddit, post mortem dicti C. mihi prędict I.H. & hęredibus & assignatis meis de iure spectant. Noueritis me præf. I.H. dimisisse, tradidisse, liberasse, & hoc presenti scripto meo confirmasse N.S. de N. dict reuersionem omnium pręd &c. cum omnibus suis pertinentijs, statim cum acciderit post mortem dicti C. Ita quod omnia præd terræ &c. Habend & tenend dict reuersionem cum omnibus & singulis suis prędictis cum pertinentijs post mortem dict C. hæred, & assignat suis imperpet de capitalibus dominis &c. In cuius &c.

A grant of an Annuitie.

OMnibus &c. T. G. in com̃ N. salutem in &c. Sciatis me p̃fat̃ T. G. tam pro, & in consideratione boni consilij mihi p̃ quendam T. M. de P. in Com p̃dict̃ gen̄, ante hęc impensi, & impostorum impendend̄, quam pro diuersis alijs causis & considerationib̄ me in hoc specialiter mouent̄, dedisse, concessisse, & hoc presenti scripto meo confirmasse p̃f. N. & assignatis suis, quandam annuitat̃ siue annual̃ reddit̃ &c. exeunt̄ & annuatim p̃cipiend̄ de manerio meo de C. in p̃ęd com̃ N. Ac de omnibus mesuag', terr', tenement', & hereditament̄ meis quibuscunq; cũ suis pertinentijs vniuersis de C. præd̄. Habend̄, gaudend̄, leuand̄, & percipiend̄ dict̃ annuitatem siue annual̃ reddit̃ &c. de p̃d̄ manerio de C. p̃ęd̄, præf. T. N. & assign̄ suis pro termino vitæ natural̃ eiusd̄ T. N. p̃ manus firmariorũ, tenentiũ, recept̃, balliuor̄, seu alior̄ officiariorum, occupatorũ p̃miss. aut alicuius inde p̃cell̃, ad festa &c. equis porcionib̄ annuatim soluend̄. Et si contingat &c. si licito modo petatur &c. plenarie solut̃ fuerit, De qua quidem annuitate siue annual̃ reddit̃ &c. ego p̃f. T. G. posui p̃fat̃ T. N. in plenã & pacificã possessionem & seisin̄, & p̃ solution̄ sibi in die confect̃ p̃sentiũ iiij d. nomine seisin̄ eiusdem. Et vlter̄ ego p̃fat̃ T. G. volo & concedo p̃ p̃sentes, q̃ hoc præsens scriptũ meũ, vnà cum acquietanc' p̃f. T. N. sit sufficiens warrant̃ cuicunq; firmar̄, tenent̄, recept̃, balliuorũ, seu alior̄ officiar̄, siue occupator̄ p̃miss. aut alicuius inde p̃cell̃ ad onerand̄ eos, & quemlibet eor̄, de, pro, & concern̄ solutionẽ annuitat̃ siue annual̃ reddit̃ &c, ac arrerag' eiusd̄. Quodq; illi p̃ęd̄ firmar̄, tenẽtes, recept̃, occupator̄, balliui, seu Eschaet̃, & alij officiarij p̃miss̄or̄, aut alicui' inde p̃cell̃, ac hęred̄, executor̄, & administratores sui, qui p̃d̄ annuitat̃ siue annual̃ reddit̃, aut arerag' eiusd̄ p̃f. T. N. aut suo cert̃ attorn̄ soluere contigerint, sup̃ monstrac' acquietanc' p̃d̄ T. N. proinde fiend̄ exonerabuntur vers' me p̃f. T. G. & hæred̄ & assign̄ meos, de tanto reddit̃ præmissor̄, aut alicui' inde p̃cell̃ quant̃ ipsi p̃ęf. T. N. aut suo cert̃ attorn̄, de p̃ęd̄ annual̃ reddit̃ &c. aut de arrerag' inde soluent, aut soluere contigerint &c. In cuius rei testimon̄ &c. Sect. 398

A grant of an Annuitie to a Chirurgion.

SCiatis nos dedisse, concessisse, & hoc p̃senti script̃ nostr̄ confirmasse pro nobis & hæred̄ nostris, dilect̃ & fideli seruienti nr̄o D. B. Chirurgo, pro bono seruitio, consilio, & necessario auxilio suo nobis et omnibus filijs et filiab' inter nos legit̃ procreat̃ in nr̄a necessitate et corporis ægritudin̄ impenso et imposter̄ impẽdend̄, quandã annuitat̃ &c. Sect. 399.

A grant of part of an Annuitie.

Sect. 300. VNto all Christian people to whom this present writing shal come, F.R. of &c. and D.R. of &c. widdow, sendeth greeting, Where the said F.R. doth yerely pay to the said D. during her life, an Annuitie or yerely rent of &c. for, and in consideration of her Dower of the lands of I.R. her late husband deceased. And where also the said D. of her free will and benevolence is minded to give unto W.P. her brother, one annuity or yerely rent of v. marks, parcel of the said annuity or yerely rent of &c. towards his preferment and maintenance of living, to be had and received at the hands of the said F.R. his heirs or assigns, who is verie well contented and pleased to pay the same accordingly. Therfore know you me the said D.R. to have given and granted, and by these presents do give and graunt to the said W.P. my brother, the said annuitie or yerely rent of 5. marks, parcell of the said yearely rent of &c. to be payed yerely by the said F.R. his heirs or assigns, at the feast of S. Martin the Bishop in Winter, and Pentecost, by even portions. To have and perceive the said annuity or yerely sum of &c. to the said W.P. and his assignes, from &c. during the naturall life of me the said D. if the mariage which God willing shall bee had and solemnized betweene W.T. of &c. gentleman, and me the said D. shall so long indure and continue. And the said F.R. doth grant by these presents, for him and his heires, that if it fortune the said annuity or yearely rent of &c. or any part or parcell thereof to be behind unpaid by the space of xx. daies, next after any of the said feasts or daies whereat the same ought to be paid: That then it shal be lawful, for, and to the said W.P. and his assigns, into all that his manor of D. with the appurtenances in the said county of D. and into all and singular his lands, tenements, and hereditaments in D. aforesaid, to enter and distraine, And the distresse there so taken, to leade, drive, chase, and carie away, and the same to impound, detaine, and keep, until such time as he or they of the said annuall or yerely rent of &c. with the arrerages thereof, if any such be, be fully satisfied, contented, and paied, In witnesse whereof as well the said F.R. as the said D. to this present writing have put their seales, the xx. day of &c.

A grant of an Annuitie.

Sect. 301 OMnibus &c. Noueritis me præfat I. dedisse, concessisse, & hoc præsenti scripto meo confirmasse C.T. de D. vnam annuam reddit, siue annuitatem xl. ℔ exeunt de quodam tenemento siue hospicio in &c.

Habend

Habend, tenend, & percipiend prędictum annuał redditū, siue annuitatem xl.s. de prędō tenemento siue hospicio cum suis pertinentijs prędō C. hæredibus & assignatis suis imperpetuum, ad festum Annunciationis beatæ Marię virginis, & sancti Michaelis Archangeli, per æquales porciones annuatim soluend. Et si contingat prædict annualem redditum siue annuitatem xl.s. ad aliquem festum solutionis, quo solui debet, in parte vel in toto aretro esse non solutum quod extunc bene liceat prędict C. hęredibus & assignat suis in dictum tenementum siue hospicium intrar, & distringere, & districtiones ibidem inuentas seu captas asportar, abducere, fugare, & penes se retinere, quousque de præd annuali redditu siue annuitate, vnà cum omnibus inde arrerag ijs, si quæ fuerint, sibi plenarie fuerit satisfact & persolutum: de quo quidem annuali redditu siue annuitate, posui prędict R. in plenam possessionem & seisinam, per solutionem sex denariorum &c. In cuius rei &c.

A Grant of a Reuersion.

OMnibus Christi fidelibus, ad quos præsens scriptum peruenerit, W.H. &c. Cum C.H. pater meus habeat & teneat pro termino vitæ suæ quoddam tenementum cum suis pertinentijs in W. &c. vocatum H. reuersion inde post suū decessum mihi & hæredibus meis spectant: Noueritis me prefat W. dedisse, & hoc præsenti scripto meo confirmasse T.B. reuersionem dicti tenementi cum suis pertinentijs cum accederit post decessum prædict R. patris mei Habend & tenend prędict reuersionem cum suis pertinentijs cum acciderit, prefat T.B. heredibus & assignatis suis imperpetuum, de capitalibus &c. In cuius rei &c. Dat &c. Sect. 302.

A grant of an Annuitie, with a paine for not paying the same.

OMnibus Christi fidelibus &c. E.K. gen, consanguineus & hæres H.R. salutem. Sciatis me præf. E. dedisse, concessisse, & hoc præsenti scripto meo confirmasse M.B. & I. vxori eius, ac nuper vxori prędict H. quandam annuitatem siue annuał redditum xxvj.s. &c. in plenam satisfactionem & contentationem totius dotis siue iunctur spectantis dictę I. post mortem prędict H. de, siue in omnibus terris & tenementis prędict vocat &c. Habend & percipiend prædictam annuitatem siue annuał redditum prefat M.B. & I. vxor eius, pro termino vitę ipsorum M. & I. ac alterius eorum diutius Sect. 303.

viuent. Et si contingat &c. vt in alijs distributionibus. Et vlteri' sciatis me pf. E. concessisse, & hoc presenti scripto meo confirmasse præf. M. & I. vxori eius, quod quotiescunque contigerit dict' annuitatem siue annuam reddit' arreero fore non solut in parte vel in toto post aliquod festum festorum prædictorum quo solut debeat, per spacium sex septimanarum, tunc ego prędict' E. & hæredes mei forisfaciemus decem solid' nomine penę præfat' M. & I. vxori eius, quos tunc bene licebit retinere quousque tam de prędict' annuitate siue annuali reddit' xx.s. quam de præd' x.s. nomine penæ sic forisfact', vna cu arreragijs, missis, & expensis, ea occasione habit', plenarie fuerit satisfact', & solut'. In cuius reitestimonium &c.

A grant of a Rent charge with a nomine pene determinable by payment of money. And a condition to leue a fine for the assurance thereof, and that for want of payment the grantor may enter.

Sect. 304. THis Indenture made &c. Betweene G. A. on the one party, and F. R. on the other partie, Witnesseth, That the said G. A. for and in consideration of the sum of &c. to him by the said F. R. well and truely contented and paied before the insealing and deliuerie hereof: of which said summe the said G. A. doth acknowledge himselfe fully satisfied and paid, and therof doth acquite the said F. R. by these presents, hath giuen and granted, and by this Indenture doth for him and his heires clerely giue and grant vnto the said F. R. and his heirs, the yerely rent or sum &c. issuing and going forth of all that capitall mesuage or tenement with the appurtenances in B. aforesaid, in the said county of D. commonly called and knowne by the name of G. hall, and out of all those landes and hereditaments in B. aforesaid, knowne, reputed, or taken as part or parcell of the said tenement, or so demised or occupied, two' with the same, and issuing and going forth of all that mesuage or tenement &c. And forth of all other his landes, tenements, and hereditaments in B. aforesaid, in the said county of D. To haue, hold, perceiue, and enioy the said annuall rent or summe of &c. vnto the said F. R. his heires and assignes, to the only and proper vse and behoofe of the said F. R. his heirs and assignes for euer, payable yearely at the new mansion house of the said F. R. at S. within the county of D. at the feasts of &c. by equall portions, The first payment therof to begin at the feast of &c. which shall be in the yeare of our Lord God &c. And

And the said G.A. doth couenant &c. that if it shall fortune the said annuall rent or summe &c. or any part or parcell thereof to bee arrere and vnpaied by the space of xx. dayes next after any of the said feastes or dayes whereat the same ought to bee payed: That then and from thencefoorth it shall bee lawfull, for and to the said F. R. his heires and assignes into the said messuages, lands, and premisses, and euerie part and parcell thereof to enter and distraine, and the distresses then and there found, to leade, driue, chace, and carry away, and the same to detaine and keepe, vntill such time and times, as hee or they bee fully satisfied, contented, and payed the said annuall or yearely rent of &c. with the arrerages thereof, if any such bee. And the sayd G. doth also couenaunt &c. to and with &c. That if it shall happen the said annuall rent &c. or any part or parcell thereof to bee arrere and vnpaied by the space of xxx. dayes next after any of the sayd feastes or dayes whereat the same annuall rent ought to bee payed: That then and from thencefoorth the sayd G.A. his heires and assignes shall forfeit and loose to the said F.R. his heires and assignes, the summe of x. pounds of lawfull English money nomine pœnæ for euerie such default. And the sayd G.A. doth likewise couenaunt and graunt for him, his heires and assignes, to and with the sayd F.R. his heires and assignes by this Indenture: That if it shall fortune the said annuall rent or summe &c. or any part or parcell thereof, or the sayde summes of &c. to bee forfeited nomine pœnæ, if any such shall be, or any of them to be arrere and vnpayed by the space of fortie dayes next after any of the sayde feasts, whereat the same annuall rent ought to be payed: Or if it shall fortune that no sufficient distresse or distresses can bee had or taken, in, or vpon the premisses, according to the true intent and meaning of these present Indentures: Or if it shall happen any rescous or pounddreach to bee made, or any replevin or replevins to be sued or obtained, of, or for, or by reason of any distresse or distresses to bee taken by vertue of these presents, as is aforesaid: That then and from thencefoorth it shall and may be lawfully for, and to the said F.R. his heires and assignes, into the sayd Messuages, lands, and Premisses, out of which the sayd annuall rent is graunted to enter, and the same, and euerie part thereof to vse, haue, and enioy to his and their owne vse and vses, and the rents, issues, and profits thereof comming and arising, to receiue, and take, and the same to detaine and keepe to his and their owne vse, without any accompt making thereof to the sayd G.A. his heires or assignes, and to vse and occupie the saide landes and premisses to his and their owne vse,

vntill such time as the saide annuall rent or summe of &c. and euerie part and parcell thereof, and the arrerages of the same, together with the said summe or summes to bee forfeited nomine pœne (if any such bee) be vnto the said R. R. his heires and assignes, fully from time to time paied by the said G. A. his heires or assignes, or some of them: Of which said summe of &c. the said G. A. hath put the said F. R. in full possession and seisin, by the paiment and deliuerie of twelue pence of lawfull English money, being parcell of the said rent, vnto the said F. R. at the insealing and deliuerie hereof. And the sayd G. A. doth further couenaunt for him, his heires, &c. to and with the said F. R. his heires &c. that hee the said G. A. shall well and truely pay, or cause to be paied vnto the said F. R. his heires and assignes yearely, the sayde annuall rent of forty pounds, and euerie part and parcell thereof, in, or vpon euerie of the said feast daies before mentioned, or within twentie dayes next after euerie of the said feast daies, at, or in the said new dwelling or mansion house of the said F. R. at S. aforesaid, within the said Countie of D. And the said G. A. doth further couenaunt, for him, his heires and assignes, to, and with the said F. R. his heires, executors, and assignes, by these presents, that he the said G. A. is the day of the date hereof lawfully seised of a good and perfect estate of inheritance in fee simple, of, and in the sayd messuages, landes, and premisses, and euerie part and parcell thereof: And that the said messuages, landes, and premisses, out of which the said rent of forty pounds is graunted, and euery part or parcel thereof, at the day of the date hereof, or at, or before the said feast of &c. which shall bee in the yeare of our Lord God &c. shall be, and from thencefoorth so remaine and continue free, exonerated, and clearely discharged, or otherwise saued harmeless by the said G. A. or his heires, executors, or assignes, of, and from all former bargaines, leases, titles, charges, and incumbrances whatsoeuer: One Annuitie or rent charge of &c. by yeare, yearely going forth of certaine of the said lands and premisses called G. to R. S. and his heires, And one other Annuitie or rent charge of &c. by yeare, yearely going forth of the said landes and premisses, to the said R. S. his executors or assignes, from the third day of October next insuing the date hereof, for, and during the terme and space of &c. then next and immediately following, fully to be complete and ended: And Leases for yeares heretofore made, not exceeding the number of ten yeares from the date hereof, whereupon the accustomed yearely rents or more are reserued: And the title of Dower of E. now wife of the said G. and the rents and

seruices

seruices hereafter to bee due to the chiefe Lord or Lords of the fee or fees thereof onely excepted and foreprised. And the said G. A. doth further couenaunt &c. that the sayde lands and premisses before mentioned, out of which the said rent is granted, are of the cleere yearely value of xl. pounds, ouer and aboue all charges, annuities, and reprises. And the said G. A. doth also couenant &c. that he the saide G. A. shall and will before the feast of Easter next insuing the date hereof, at the costs and charges of the said G. A. leuie a fine in due forme of law to N. C. and R. C. and to the heires of one of them, of all and singular the said messuages, lands, and premisses, and of euery part and parcell thereof, by the name and names of foure messuages &c. or by such or the like name or names in effect and meaning: by which sayd fine the said G. A. shall recognise the said tenements with thappurtenances to bee the right of the said N. as those which the said N. and R. haue of the gift of the said G. and the same shall remise and quite claime from him the said G. and his heires, to the sayde N. and R. and the heires of the said N. for euermore. And further the said G. shall by the same fine graunt for him and his heires, that they shall warrant to the said N. and R. and the heires of the said N. the tenements aforesaid with the appurtenances, against all men for euermore: Which said fine so to bee leuied and perfected of the said lands and premisses, by the name and names aforesaid, or by any other name or names whatsoeuer is meant and intended. And the said parties do accordingly conclude and agree for them and their heires, that the said fine, and all and euerie other fine and fines, recouerie and conueyance hereafter to bee had, made, or executed, by, or betweene the said parties, or betweene the said G. A. and any other person or persons by the appointment or nomination of the said F. R. his heires or assignes of the said landes and premisses, or of any part thereof, shalbe to the vses, behooses, intents, and purposes, hereafter in this Indenture mentioned and expressed, and to and for none other vse, intent, or purpose. And it is further concluded and agreed, by and betweene the said parties to this Indenture, for them and their heires, and either of the said parties doth seuerally couenant and conclude, to and with other their heires and assignes, that the said N. C. and R. C. and their heires, and all and euerie other person or persons, and their heires, that now bee, or then shall stand or bee seised of the said landes and premisses, or of any part or parcell thereof, shall from and immediately after the said fine bee perfected, stand, and bee seised of the said lands and premisses, to these intents and purposes following: that is to wit, That if the sayde

annuall

annuall rent or summe of forty pounds, or any part or parcell thereof, or the said summe or summes of ten pounds to be forfeited nomine pœnæ, or any of them, at any time or times hereafter shall fortune to bee arrere and vnpaied by the space of fortie dates, nert after any of the said feastes, whereat the said Annuall rent ought to bee paied at the place before mentioned: Or if no sufficient distresse can be found, as aforesaid, or any rescous, poundbreach, or replenin shall happen to bee had or made, as is aforesaid: That then and from thencefoorth, and at all and euery time and times, and from time to time it shall and may be lawfull to the said F.R. his heires and assignes into the said messuages, lands, and premisses, out of which the said rent is graunted, and euerie part and parcell thereof to enter, and the same and euery part thereof to haue and enioy, and the rents, issues, and profits thereof comming and arising, to receiue and take, and the same to detaine and keepe to his or their owne vse, without any accoinpt making thereof to the said G.A. his heires or assignes, and to vse and occupie the said Lands and Premisses, to his or their owne vse and benefite, vntill such time and times as the said annuall rent of xl. pounds, and the arrerages thereof, together with the said summe or summes to be forfeited nomine pœnæ if any such bee vnto the sayd F.R. his heires or assignes, shall bee fully from time to time paied by the said G.A. his heires or assignes, or some of them, according to the true meaning of these presents, And that after payment of the said annuall rent of xl.li. and of the said summe or summes to bee forfeited nomine pœnæ, if any such shall bee, and of euerie part and parcell of the said rent and penaltie, when and as often as they, or any of them shall fortune to be behind, in forme aforesaid, had and made vnto the said F.R. his heires and assignes, with the arrerages thereof (if any such bee) The said fine, and all and euery other assurance to be had or made of the said lands and premisses, or of any part thereof, by the appointment and nomination of the said F.R. shall bee deemed and taken to bee to the vse and behoofe of the said G.A. his heires and assignes for euer, with this condition, limitation, and purpose, That it shall and may alwaies bee lawfull to the said F.R. his heires and assignes, to enter into the said landes and premisses, out of which the said rent is graunted for default of payment of the sayd annuall rent by the space of xl. dayes, at all and euery such time and times as the same shall bee arrere, and to take and receiue the issues and profits, vse, and occupation of the said landes and premisses, vntill hee or they bee payed the same annuall rent with the arrerages thereof, and the said summe or summes to be forfeited

Summa nomine

nomine pene, if any be, and euerie part thereof from time to time according to the meaning of this Indenture. And the said G.A. doth furthermore couenant &c. that hee the said G.A. and his heires shal and will from time to time at all times hereafter, when and as often as hee or they, or any of them shall bee thereunto reasonably required by the said F.R. his heirs or assigns within the time and space of v. yeres next insuing the date hereof, doe, execute, acknowledge and make, or cause and suffer to bee done, executed, acknowledged and made, all and euerie such further act and acts, thing and things of assurance, deuises and assurances whatsoeuer, as shall be reasonably deuised or aduised by the said F.R. his heires or assignes, or by his or their counsell for the further and better assurance, suretie, and sure making of the said annuall rent of &c. vnto the said F.R. his heires or assignes, according to the effect and true meaning of these presents: At the costs and charges in the law of the said G.A. So that the said G. bee not compelled to trauell aboue xx. miles from the place where hee now dwelleth for the making or doing of any such further assurances. Prouided alwaies and it is concluded and agreed by and betweene the sayde parties to this Indenture, for them, their heires and assignes: That if the said G.A. his &c. or any of them doe well and truely content and pay, or cause &c. vnto the said F.R. his &c. the summe of &c. in or vpon the feast day of &c. which shall be Anno Domini &c. at or in the now mansion house of the said F.R. at S. aforesaid, betweene the houres of &c. That then and from thencefurth this present grant, and all and euerie clause and article herein contained, and all bands for further assurance and inioying of the said annuall rent, to bee vtterly void and of none effect: the saide fine or other conueyance to be made of the premisses, by the appointment of the said F.R. notwithstanding. Prouided also, that if the said G.A. his &c. doe make default in paiment of the said summe of &c. vpon the said feast day of &c. which shall bee in the said yeare of our Lord God &c. at the place aforesaid, whereby the said annual rent of &c. by the true meaning of this Indenture, is to continue to the said F.R. and his heires: yet neuertheless the said F.R. is contented, and accordingly doth couenaunt and conclude for him &c. That if the said G.A. at any time during his naturall life, and during the life of the sayd F.R. together shall bee minded that the said yearely rent or summe of &c. shall cease and haue no further being or continuance, and thereupon the said G.A. during the life of him and of the said F.R. doe by his writing vnder his hand and seale, sealed in the presence of three or more substantiall and credible witnesses vpon either of the

ſaid feaſt dates giue notice or warning vnto the ſaid F.R. at his now manſion houſe at S. aforeſaid: That he the ſaid G. is minded that the ſaid yearely rent or ſumme of xl.li. ſhall ceaſe and haue no further being or conueyance: And alſo do well and truely pay or cauſe to bee payed vnto the ſaid F.R. or his aſſigns the ſumme of 400.li. of lawfull Engliſh money, at, or in the ſaid now dwelling houſe of the ſaid F.R. at S. vpon the feaſt day or day of paiment next after ſuch warning or notice giuen, with the halfe yeres rent that ſhalbe due vpon the ſame feaſt day: That then and from thenceforth after ſuch payment of the ſayd ſumme of &c. had and made in manner and forme aboueſaid, and vpon the payment of the ſaid halfe yeares rent, which ſhall be due at the end of the ſaid halfe yeare, the ſaid yerely rent of xl.li. to ceaſe and be determined: And the ſaid clauſe of diſtreſſe, and all and euery other article, thing, couenant and grant herein mentioned for giuing any benefit to the ſaid F.R. his heires or aſſignes: And the ſaid bonds for further aſſurance or conueiance of the ſaid annuall rent of &c. to bee vtterly void and of none effect: any thing in theſe preſents before mentioned to the contrary &c. And laſtly it is agreed betweene the ſaid parties for them and their heires, and either of the ſame parties doth ſeuerally concludo and couenant, to and with the other partie and their heires, that the ſaid fine before mentioned, and all and euery other fine and fines, act and acts, thing and things, conueiance and aſſurance hereafter to be had, made, or aſſured, by, or againſt the ſaid G.A. of the ſaid lands and premiſſes, or of any part thereof, ſhalbe to the vſe, intent and true meaning of theſe preſents, and vpon condition and conditions herein mentioned, and to none other vſe, intent, or purpoſe. In witneſſe whereof the parties aboue named to theſe preſent Indentures interchangeably haue put their hands and ſeales the day and yere aboue written.

A Grant of a rent charge.

Sect. 305. THis Indenture made betweene I.R. &c. on the one partie, and R. W. of &c. on the other partie, witneſſeth, that where I.L. of &c. by his deede indented dated the xx. day of M. in the yeare of the raigne of &c. made betweene the ſaid I.L. on the one partie, and F.R. deceaſed of F. one of her Maieſties Seriants at the law, late father of the ſayd I.R. on the other party, for, and in conſideration &c. hath giuen and granted vnto the ſaid F.R. and his heires, one yearely rent of &c. iſſuing and going forth of the manors of L. and P. with thappurtenances in the county of D. and forth of all &c. To haue &c. the ſaid annuall rent of &c.

vnto

vnto the sayd F.R. his heires and assignes for ever, payable yearely at or in the house of the said F.R. in W. in the said Countie of D. in, or vpon the feast day of &c. and in or vpon the feast day of &c. by equall portions, or within tenne dayes next after either of the said feast daies, The first payment thereof to begin at the feast of &c. then next insuing the date of the sayde deede. And whereas the said I.L. hath by his saide deede couenaunted and graunted for him, his heires, executours, and administratours, to and with the said F.R. his heires &c. That if it shall fortune the sayde annuall rent of &c. or any part or parcell thereof, to bee arrere and vnpayde by the space of thirtie dayes next after any of the sayd feastes before mentioned; That then and from thencefordth it should and might bee lawfull, to, and for the sayd F.R. his heires, executors, and assignes, into the said manors, lands, and premisses with the appurtenances, or any part or parcell thereof, to enter and distraine, And the distresse then and there found to leade, driue, chase, and carrie away, and the same detaine vntill payment, vntill such time and times as he or they should bee fully satisfied, contented, and payed the sayd annuall rent, with the arrerages thereof, if any such should bee: And whereas the sayd I.L. by his said deede hath likewise couenaunted and graunted for him, his heires, executors, and administrators, to, and with the sayde F.R. his heires, executors, administratours, and assignes, that if it happen the said annuall rent of one hundred pounds, or any part or parcell thereof to bee arrears and vnpayed by the space of thirtie dayes, next after the feast dayes in the sayd deede mentioned: That then and from thencefordth the said I.L. his heires and assignes should forfeit and loose vnto the said F.R. his heires and assignes the summe of twentie pounds of lawfull English money nomine pœnæ, for euery such default. And whereas the said I.L. by his said deede hath also couenanted for him, his heires &c. to and with F.R. his heires and assignes, That if it should fortune the said annuall rent of one C.li. or any part or parcell thereof, or the sayd summe or summes of &c. forfeited nomine pœnæ, if any such should bee, or any of them to bee arrere and vnpaied, at the place aforesaid, by the space of &c. next after any of the said feast dayes in the said deede mentioned: That then and from thencefordth it should and might bee lawfull, to and for the said F.R. his heires and assignes, without any demaund making of the said rent, into the said manors, lands, and premisses with thappurtenances, and into all and euerie part thereof to enter, And the same and euery part thereof, to vse, haue, and enioie to him, his heires and assignes, to his and their

owne vse, vntill such time as the said annuall rent do shoote of xl.li. and euery part and parcell thereof. And all such arrerages of the same annuall rent as shall grow due vnto the said F.R. his heires and assignes, during such time as hee or they shall haue the said manors and premisses, or any part thereof, in his or their possession. For want of payment of the said rent, together with the summe or summes to be found, nomine poenae if any such should be, vnto the said F.R. his heires and assignes fully from time to time paied by the sayd I.L. his heires or assignes, or some of them, of which said rent of xl.li. the sayd I.L. did put the said F.R. in full possession and seisin by the payment and deliuery of xiid. of lawfull English money, being parcell of the said rent, vnto the said F.R. at the ensealing and deliuerie of the said deed. And whereas the said I.L. by his said deed hath further couenanted for him, his heires, executors, and administrators, with the said F.R. his heires and assignes. That he the said I.L. the day of the date of his said deed, was lawfully seised of a good and perfect estate of inheritance of fee simple, or fee tayle, without reuersion or remainder being in the Queenes Maiestie, of, and in the said Manors, Lands, and Premisses, out of which the said rent is graunted, and of euery part and parcell thereof, discharged of all incumbrances whatsoeuer, and leasse etc. excepted and forprised. And whereas the said etc. that the sayde Manors, Lands, and Premisses, out of which the said annuall rent of one C.li. is graunted, were and should continue subiect and liable to the distresse and entrie of the said F.R. his heires and assignes, from time to time of the cleare and accustomed yearely value of Cxx.li. ouer and aboue all charges, deductions, and reprises. And whereas etc. that hee the said I.L. at his proper costes and charges, before the feast of Pentecost next insuing the date of his said deede should and would leuie a fine in due forme of Law vnto W.L. and I.D. of all and singular the Manors, Lands, and Premisses, in the said deed mentioned, and of euerie part and parcell thereof, and of all other the lands and hereditaments of the said I.L. within the Realme of England, by the name and names of the manours of Y. and Y. with thappurtenances, and of vii. messuages, etc. with thappurtenances in Y.L.Y. Y.B.C.C. alias S.Y.C.B. in B. S. alias S.Y. and S. alias S. by which said fine the said I.S. should recognize etc. which said fine or any other fine to be leuied by the said I. of the said manors, lands, and premisses, by the name and names aforesaid, or by any other name or names whatsoeuer, should be to the intent that the same W.L. etc. and the survivor of them, should stand and be iudged perfect tenants

or tenant of the freehold of the said Manors, Landes, and Premisses, vntill such time as a perfect recouerie vnto hir bee had and lawfully executed of the said premisses against the said W.L. and J.D. or the survivor of either of them by T.F. of P. and W.S. or by either of whom, and after to the vse, intents and purpose in the sayde deed mentioned and expressed. And whereas &c. that the sayde T. F. and W.S. should before the feast of S. then next ensuing the date of the sayde deed, commence and prosecute at the costs and charges of the said J. one writ of Entre sur disseisin in le post, against the sayde W.L. and J. D. or against the survivour of them, whereby they should demaund against them, or against the one of them the said Manors, Lands, and Premisses, and euerie part and parcell thereof by the name and names before mentioned, or by any other name or names whatsoeuer, vnto which writ the said W.L. and J.D. or the survivour of them should appeare in proper person, or by his or their atturney or atturneies lawfully and sufficiently authorized and should vouch to warranty him the said J. L. And that hee the said J. L. should appeare vpon the same voucher in his proper person or by his atturney or atturneyes lawfully authorized, and should vouch to warranty the common voucher. And the same common vouchee should appeare in his owne person vpon the same voucher, and should imparle, and afterwards should make default, whereby a perfect iudgement might bee had and giuen for the said T. F. and W.S. against the said W.L. and J.D. for recouerie of the manors and premisses, and likewise for the said W.L. and J.D. to recouer in value against the said J. L. after the manner and course of the common recoueries in such case vsed, which said recouerie so to bee suffered and perfected by any name or names whatsoeuer was meant and intended, and the sayd parties to the said deed accordingly concluded and agreed for them and their heires, that the same recouerie, voucher, iudgements, and recouery in value, and all and euery other matter and thing thereupon depending or following should bee to the intent, vse, and purposes in the said deed mentioned and expressed. And after the vses, intents, and purposes mentioned and expressed in the said deede obserued, and fully from time to time performed, according to the true meaning thereof, should bee deemed and taken to the vses, intents, and purposes mentioned and expressed in one other Indenture bearing date of the first recited deede, and sealed and deliuered after the same, made betweene the said J.L. on the one partie, and H.B. of R. in the sayde County of D. gentleman, and W.W. of W. in the county of P. gent. on thother partie. And whereas by

the

the first recited originall deed it was further concluded and agreed by and betwéen the said parties to the said deed, for thē and their heirs, and either of ỳ said parties severally covenanted and concluded, to and with thother their heirs and assigns, ỳ they the said recoverers & their heirs, and the said recoveries and their heirs, and al and euery other psō and psons, and his and their heirs, ỳ then were, or within one yeare then next following should stand and be seised of the premisses or any part therof, shold, frō and immediatly after ỳ said recouery executed and perfected, and from and after the said fine levied, stand and bee seised of all and singular the said manors and premisses, except in the said first original deed excepted, and that the same recouery touching ỳ said premisses, except in the said first recited originall deed excepted, should from thence forth be deemed and taken to these intents and purposes following: ỳ is to wit, ỳ if the said annual rēt of C.li. or any part or parcel therof, or the said sum or sums, of &c. to be forfeited nomine pœne, or any of thē shold at any time and times frō thencefoorth be arrere and vnpaid by the space of xl. daies next after any of the said feast daies in the said first recited original deed mentioned, wherat the same annual rent ought to be paid at the place in the said first originall deed mentioned: ỳ then and frō thencefoorth, and at all and euery time and times when such default of paiment should be, it should and might be lawful, to and for ỳ said F.M. his heirs &c. into the said manors &c. except in the said first originall deed excepted, to enter, and the same and euery part thereof to haue and inioy to him, his heirs &c. to his and their owne vse vntill such time and times as the said annuall rent of C.li. and tharrerages therof, together with the said sum or sums to be forfeited nomiñ peñ, should be vnto the said F.M. his &c. fully from time to time paid by the said I.F. his heires &c. or some of them, with tharrerages of the said rent ỳ shal grow due and paiable during the time that the said F.M. his heirs &c. should hold and inioy the said lands and premisses, or any part thereof in his or their possession. And after the paimēt of the anual rent of &c. and the said sum or sums to be forf. nomiñ penę, if any such should be, and euery part of the said rent and penalty, whē and as often as they or any of thē should fortune to be behind in such forme as in the first recited originall deed is said, had and made vnto the said F.M. his heirs or assigns, with tharrerages therof, if any such should be, the said recouery and fine should be, and the said recoverers and recoveries, and their heirs, and all and euery other person and persons, and his and their heirs, ỳ then were and thēcefoorth should stand and be seised of ỳ said whole manors, lands & premisses mētioned in the said first recited originall deede should stand and be seised thereof,

and

and of euery part and parcell thereof, to ſuch vſe, intents and purpoſes as are mentioned and expreſſed in the ſaid deede mentioned to be made betweene the ſaid I L. on his party with condition, limitation and purpoſe, that it ſhould and might be lawfull to the ſaid F.R. his heires and aſſignes to enter into the ſaid manors, lands, and premiſſes out of the which the ſaid rent is graunted, and euery part thereof for default of paiment of the ſaid annuall rent of one C. li. or any part thereof by the ſpace of fortie daies next after euery of the ſaid feaſtes, wherein the ſame ſhall bee arreare, and to haue and to enioy the ſame to him, his heires and aſſignes, to his and their owne vſe, vntill he or they be paied the ſaid annuall rent with the arrerages therof if any ſuch ſhould bee and the ſaid ſumme or ſummes of &c. to be forfeited nomine pœnæ and euerie part thereof from time to time. And whereas &c. that hee the ſaid I.L. his heires, executors, and adminiſtrators, and aſſigns, ſhould well and truely pay, ſatiſfie, and allow, or cauſe &c. vnto the ſaid F.R. his heires and aſſignes yearely the ſaid annuall rent of C. li. and euerie part and parcell thereof, in or vpon euerie of the ſaid feaſt daies in the ſaid firſt recited leaſe or deed mentioned, or within tenne dayes next after euerie of the ſayde feaſt dayes at or in the ſaid then manſion houſe of the ſaid F.R. at S.M. aforeſaid, and that as well during the time that the ſaid I. his heires or aſſignes, farmers or tenants ſhall haue, occupie and enioy the ſaid manors, landes, and premiſſes, as alſo during the time that the ſaid F. R. his heires or aſſignes ſhould through any default of paiment of the ſaid rent of a C. li. or any part thereof enter into, haue, occupie and enioy the ſaid manors, lands, tenements, and hereditaments, or any part or parcel thereof, that the ſame entrie, occupation and enioying of the ſaid manors, lands or premiſſes, or any part thereof by the ſaid F. his heires or aſſignes, ſhould not by any ſuſpition make any ceaſing or defalcation of the ſaide rent or of any part thereof. And that the ſaid I.L. ſhould make further aſſurance generally with a prouiſo that if the ſaid I. L. at any time during his owne life, and during the life of the ſaid F. R. together ſhould be minded, the ſaid yearely rent of a hundred pound ſhould ceaſe and haue no further being or continuance, and thereupon the ſaid I.L. during the life of him, and of the ſaid F.R. together ſhould by his writing vnder his hand and ſeale, ſealed in the preſence of three or moe ſubſtantiall and credible witneſſes vpon either of the ſaid feaſt daies giue notice or warning vnto the ſaid F.R. his heires or aſſignes, at the then dwelling houſe of the ſaid F.R. at S.M. aforeſaid, that hee the ſaid I.L. was minded that the ſaid annuall rent

of &c. should cease and haue no further being or continuance, and withall at the time of the said notice so to bee giuen should well and truely pay or cause to bee paied vnto the said F.R. or to his executors or assignes, the summe of &c. at the then dwelling house of the said F.R. at S.W. aforesaid, and also should well and truely pay, or cause to bee paied vnto the said F.R. his executors or assigns the summe of &c. at or in the then dwelling house of the said F.R. at S.W. aforesaid, vpon the feast day appointed for the paiment of the said halfe yeres rent next ensuing after such warning and notice giuen, with the said halfe yeres rent which should be due vpon the feast day, that then and from thenceforth after such payment of the said summe &c. and vpon payment of the said summe &c. had and made in maner and forme aforesaid, and likewise vpon paiment of the said rent which should bee due at the end of the said halfe yeare next after such notice giuen as is aforesaid, the said yerely rent or sum of &c. to cease and be determined, and the said clause of distres and entry, and all and euery other article, thing, couenant, or grant therin contained for giuing any benefit or vse to the said F.R. his heires or assignes, and the statutes and bonds for the further assurance and continuance of the said annuall rent of &c. to bee void and of none effect, the said recouerie and fine, or any other thing before mentioned to the contrarie thereof in any wise notwithstanding. And whereas that the said recouerie and fine aforesaid, and all and euery act or actes, thing and things, assurance or conueiance thencefoorth to be had, made or suffered, by, or against the said I.L. or any other person or persons by his assent, nomination or pleasure of the said manors or any part thereof should be: And that all and euery person and persons, and his and their heirs, then seised, or thencefoorth to bee seised of any estate or estates of inheritance whatsoeuer of the said premisses, or of any part therof (except before excepted) to the vses, intents, and true meaning set downe in, and by this first recited originall deed amongst diuers other things more at large it doth and may appeare. Now the said I.R. for and in consideration of the summe of &c. hath bargained and sold, and by these presents doth for himselfe and his heires fully and absolutely, bargaine and sell vnto the said R.W. and his heires the said manors of L. and Y. with the appurtenances, and all those landes, tenements and hereditaments in L.B.C.Y.Y.E.B.M.B.S. alias S. in the sayde Countie of D. which at the inrealing and deliuerie of the said first originall deed, were the landes, tenements, and hereditaments of the said I.L. reputed or taken for the inheritance of the said I.L. and also the said annuitie or yearely rent, or summe of &c. issuing and going forth

of

of the said manors of L. and Y. with thappurtenances, and forth of all other lands, tenements and hereditaments which then were, or were reputed or taken for the inheritance of the said J.L. in L. B. C. Y.Y. E.B.M.B.S. alias S. in the said countie of D. or elsewhere within the realme of England, his grounds and inheritances called P. and all his lands and tenements in P. and 4. acres of pasture lying in ỹ parish of S. in a certaine place called S. onely excepted and forexprised, together with the said first originall deed. And all his right, title, interest, and demand, of, in or to the said manors, landes, tenements, hereditaments, annuities, rents, sums of money, and demands whatsoever, together with the recited deed, and all deeds, writings, and estreits concerning inident or belonging to the premisses, or made, for, or concerning the same. To haue &c. the said manors, lands, tenements, and hereditaments, annuities, rents, summes of mony, and premisses before by these presents graunted, as is aforesaid, together with the said deedes, writings estreits vnto the said R. W. his heirs and assignes for euer, in as full, large, ample, and beneficiall maner, as the aforesaid F. R. or J. R. or any other person may, might, should or ought to haue, hold, perceiue and inioy the same by reason of the said deed and grant made by the said J.L. to the said F.R. as aforesaid. And the said J.R. doth for himselfe &c. that he the said J. W. at thensealing of these presents standeth, and is seised of the said recited manors, and other the premisses (except before excepted) to the onely vse of himselfe, his heires &c. as is before recited. And the said R. W. his heirs &c. shall and may quietly and peaceably at all times hereafter, & from time to time haue &c. ỹ said manors &c. before by these presents granted, to his and their proper vse and behoofe, without the lawfull let, trouble, euiction, interruption, deniall, incumbrance, charge, or other disturbance whatsoeuer of the said F.R. or J.R. or their or either of their heires, or of any other person or persons, by their or either of their heires assent, consent, act, meanes, or procurement, counsell or deuice. And the said J.R. doth further &c. that neither the said F. R. nor J.R. nor any other person or persons, by their or either of their acts, meanes, or procurement, haue done, executed, knowledged or committed, or caused to bee done, executed, knowledged or committed, nor ỹ the said J.R. nor his heires shal at any time hereafter do, execute, knowledge or commit, or cause to be done, executed, knowledged or committed any act or acts, thing, deuise or deuises, wherby the said R. W. his heirs or assignes shall or may be disturbed, letted, hindred, & denied to inioy, haue & receiue quietly and peaceably, all & euery of the premisses before by these presents mentio-

to be granted vnto the said R. W. as aforesaid. In witnesse &c.

Concessio annuitat' pro seruitio.

Sect. 306. OMnibus &c. Sciatis me ꝑf. T. G. ex certa scientia & mero motu meo, ac intuitu obsequij & seruitij mihi ꝑ S. R. & I. vx' eius seruientꝫ meos ante hac impenſi, dediſſe &c. eiſdem S. & I. &c. quandꝫ &c. ad feſta &c. æquis portionib⁹ annuat' ſoluendꝫ. Habendꝫ & tenendꝫ ꝑdꝫ annuitatẽ ſiue annuat' reddit' xl. s. Soluendꝫ ꝑf. S. & I. vx' eius duran' vit' natural' ipſor' S. I. & eor' vtriuſq; diuti⁹ viuen' in forma ſequen'. Et ſi cõtingat ꝑdꝫ annuitat' &c. Prouiſo ſemꝑ q; ſi ꝑdꝫ S. R. & I. aut eor' alter obire contigerit. Quod tunc & deinceps ſolutio medietat' dict' annuitat' xl. s. totaliter ceſſabit: Aliquo ſuperius memorat' ſiue in hoc præſent' ſcript' meo ſpecificat', in contrar' quouiſmodo non obſtant', In cuius &c.

A Grant of annuitie for terme of life, pro concilio & auxilio.

Sect. 307 OMnib⁹ &c. Sciat' me ꝑf. I. dediſſe &c. T. M. ꝓ boñ concilio ſuo & ingenti auxlio ſuo mihi in mea neceſſitate impenſo, quandꝫ annuit' ſiue annuat' reddit' 30. s. legalis monetæ Angl'. Habendꝫ & ꝓcipiendꝫ &c. de exitib⁹, ꝓficuis, firmis & emolumentis manerij mei de S. in com' E. ad feſta &c. Soluendꝫ tã ꝓ man⁹ meas ꝓprias q̃ per manus ballior', receptor', firmarior' ſiue tenentiũ maner' præd' ꝓ tempore exiſten'. Et ſi contingat &c.

A Grant of annuitie made by a parſon of a Church, to indure ſo long as he ſhall be parſon.

Sect. 308. OMnibus &c. I. H. clericus rector eccleſię parochial' de L. in com' S. Saluté: Sciatis me ꝑf. I. ꝓ boñ concilio dediſſe &c. eidẽ R. quandꝫ annuitat' &c. habendꝫ ꝑdꝫ R. q̃ diu ego ꝑdict' I. rector eccl'iæ ꝑdꝫ extitero, ſoluendꝫ annuatim &c. Et ſi contingat &c. Dat' &c.

A Grant of annuity with condition that the wife ſhall claime no dower.

Sect. 309 OMnibus &c. Sciatis me prefat' H. dediſſe &c. H. M. &c. primo die ſolutionis inde incipiendꝫ ad tale feſtum feſtor' præd', q̃ poſt mort' mei præd' H. primo & prox' euenerit, Habendꝫ & ꝓcipiendꝫ ꝑdꝫ annuitatem ſiue annuat' reddit' xx. l. ad feſta ꝑdict' in forma præd'. Soluendꝫ præf. T. B. exec' & aſſign' ſuis pro termino vitæ cuiuſdam R. modo vx. mei præd' H. ad opus & vſum ipſius R. ad terminum vitę ſuę pro

& in

& in considerac' & nomine totius dotis ipsi' R. habēd' de omnib' illis manerijs, terris, & tenemtis, quæ nup fuer vel modo sunt mei pd' H. Et si contingat pd' annuitat' siue annual' reddit' xx. li. vel alicuius inde p. cell' a retro fore post mortem mei ipsius H. ad aliquod festum &c. Prouiso semper, quod si præd' R. seu aliqua alia persona, siue person ei' nomine & per eius assensum, actū, vel procuration, aliquo tempore post mortem dicti H. aliquod ius, titul', clameū, aut demand' nomine dotis suæ, de, & in predict' manēr', terris tentis, & ceteris præmissis, aut in aliqua inde parcella habere clamauerit, seu demandauerit quouismodo, q extunc & exinde solutio prædict' annuitat' siue annual' reddit' pd' xx. li. aut alicuius inde parcel', cessabit, & ista prædict' concessio eiusdem deinde cessabit & frustrabit', hoc presenti scripto meo, siue aliqua re siue materia in eodem script' in contrar' specificata seu expressa in aliquo non obstante. In cuius &c.

A Graunt of Annuitie made to a woman, to begin after the death of her husband vpon condition.

OMnib' &c. W. R. &c. Sciatis me præfat' W. in complement' quarundam conuention', concession', & agreamentor' content' & spec' in quibusdam indenturis, quarum dat' est vltimo die Maij, ann &c. fact inter T. P. de E. ex vna parte, & me præf. W. R. ex altera part', dedisse, concessisse, & hoc præsenti scripto meo indentato confirmasse M. vxor dicti T. quandam annuitat' &c. Habend' & p̄cipiend' pd' &c. pręfat' M & assign' suis pro termino vitæ dictæ M. soluend' annuatim ad duos ann' term', viz. ad festa &c. per equales portion' in Ecclesia parochiali de S. pręd'. Et si contingat pd' annuitat' &c. Prouiso semp, q' ista pręd' concessio annuitat' siue annualis reddit' quatuor marcar' non capiat aliquē effectum, nec alicuius sit valoris durante vita dicti T. P. sed immediate post mortem ipsius T. Et quod prima inde solutio erit ad primū festum festor' pdictor' pxim' accident' post mortē ipsius T. Prouiso etiam semper, quod si dicta M. aliquo tempore post mortem dicti T. aliquod ius, titul', clameum, aut dem' and' nomine dotis siue iunctur' suæ, de & in pd' terris & tenemtis seu in aliqua inde parcel', per seipsam siue aliquā aliam personā clamauerit aut vendicauerit quouismodo, quod tunc & extunc solutio prędict' annuitat' seu annualis reddit' quatuor marcar' pdict' & cuiusque inde parcellæ cessabit, & ista pdict' concessio eiusd' c' inceps cessabit & frustrabit': aliqua re siue materia in hoc p̄sent' script' in contrar' specificata seu expressa non obstante. In cuius rei &c. *vel sic:*

Sect. 319.

Prouiso etiam semper qđ si p̄d' M. aliquo tempore post mortem dicti T pretextu alicuī' iuris, tit̄, clamei, aut interesse pro, aut in nomine dotis seu iunctur̄ suę, placitauerit clamauerit siue expulerit quouismodo p̄d' W.R. hęred̄ vel assign̄ suos pro, aut de p̄d' terr̄ & ten̄tis, seu aliqua inde parcella, ꝙ tunc et extunc illa pręd' solut̄ annuitatis &c. vt supra. In cuius rei testimoñ vtrique parti huius p̄sent̄ script̄ mei indentati sigill̄ meum apposui. Dat̄ &c.

A Grant of Annuitie to the vse of a woman to begin after death of the granter.

Sect. 311. OMnibus &c. T. P. &c. Noueritis me p̄f. T. P. dedisse &c. I. M. & W. R. quā đ annuitat̄ &c. Habēđ &c. p̄f. I. & W. et assign̄ suis ꝙ termiñ vitę A. K. et ad vsum ipsius A. K. pro t̄miñ vit̄ suæ, quā ego p̄d T. propoñ (diuiñ grat̄) haber̄ in vxor̄ meā: Soluend' &c. Priñ term̄ solutioñ inde incipiēt̄ ad illud festū festor̄ p̄d' ꝙ prius acciderit post mortem mei p̄d T. & non antea. Et si contingat p̄d &c. In cuius rei &c.

A Grant of Annuitie for terme of life, pro consilio impend' &c.

Sect. 312. OMnibus &c. N. W. &c. Sciatis me pręfat̄ N. dedisse, &c. pro consilio suo impenso et imposterum impend', quand' annuitatem siue annualē redd' 13. solidor̄ exeunt̄ de omnibus t̄r̄, ten̄, & hæred̄ meis in S in com̄ E. &c. Habēđ &c. redd' p̄f. T. ad term̄ vitæ suæ, soluend' &c. Et si contingat &c. Dat. &c.

Nota, si home ne veile que son person soit charge de cest annuitie, mes tant. solement son terre, donques doit este tiel clause escrie in le fine de son fait, Prouiso semper quod p̄sens scriptum, nec aliquid in eo specificat̄ non aliqualit̄ se extendat ad onerandum personam meam per breue annuitat̄, seu alio modo quocunque sed tantummodo ad onerand̄ terras et tenta mea p̄d de annuali redditu pręd' &c. *Car donques le terre est est charge, & le person discharge, &c.*

A Couenant that the lessee may lop woods..

Sect. 313. AND the sayd H. B. for him, his heires, and executors, couenanteth and graunteth by these presents, to, and with the said R. L. and his executors: That it shall be lawfull for the said R. L. his executors and assignes, yearely during the said terme of xl. yeares, to crop, and top all and singular the woods and trées, growing and being in and vpon the premisses, and take aswell all the same lops, crops, and top, as also all

the

the vnderwoods, growing and being in and vpon the premisses, to the onely vse and behoofe of the said R.A. his executors and assignes &c.

A Covenant that the lessor may enter and make fallowes Sect. 314.

PRouided alwaies, and nevertheless it is covenanted, concluded, &c. by and betweene the said parties to these presents. And the said R.J. for himselfe &c. doth by these presents &c. to, and with the said W. W. his heires and assignes &c. that it shall and may be lawfull, to, and for the said W. W. his heires and assignes, and every or any of them, at all and every time and times convenient within the last yeare of the sayd terme of xxj. yeares, to enter into, and haue so much of the demised tenements and premisses, with the appurtenances, as in the same yeare shall be meet to be fallowed, and to eyre, plough, and fallow the same, and every or any part thereof, according to the vsage and custome of the countrey there in ỳ behalfe, without any let, interruption, or disturbāce of ỳ said R.J. his executors or assigns, or of any other person or persons by his or their, or any of their meanes, assent, or procurement.

A Covenant that the Lessee shall not assigne.

PRouided alwaies, that the said P. his executors or assignes shall not demise, set, let, giue, or grant the said whole terme of yeres, yet to come, of, and in the said manno^r and parsonage, and all other the premisses, to any person or persons, other then to the wife, child, or childrē of the said P. or any other person or persons to any of their vses, except only to the said J.P. or W.P. sonne and heire appatant of the said J. if the said J. or W. will giue and yéeld vnto the said P.P. his executors or assignes, as much in money for the same, as any other indifferent person will doe, without any fraud, couin, or collusion. And if the said J. or W. doe refuse to giue as much money for the said terme, or any part thereof, of the premisses, or any part thereof, as any other indifferent person will, without fraud, couin, or collusion, as abouesayde, that then and from thencefo^rth it shall bee lawfull to the saide P. his executors &c. to giue, graunt, alien, or assigne the said terme, or any part thereof, to any person or persons, at his or their pleasure, any thing herein contained to the contrarie notwithstanding. And also the said P. covenanteth &c. for him, his executors &c. to and with the said J.P. his executors and administrators, by these presents, that if the said P. doe die vnmaried, and without issue lawfull, that then it shal be lawfull to the said J.P. and to his assignes, during the life of the said J. to enter into ỳ premisses, and every part therof, and to receiue, leuie, and take the issues, reuenues, and profits of ỳ same, to his only vse & cōmodity, during only the life of the said J. paying, performing, and fulfilling

Sect. 315

all and singular the couenants, grants, articles, and agreements, contained and mentioned in the said former Indenture, of, for, & during the time and times that the sayd I. shall haue, occupie, or enioy the sayde premisses, or any part or parcell thereof after the death of the sayd P. vnmaried, & without issue, in maner & forme aforesaid, or els not. And if the said P. happen to die vnmaried & without issue, ỳ the premisses & euery part thereof, during the said terme, shall come, remaine, & be after the decease of the said I. to the brethren of the said P. or to any or diuers of them, or to any other person or persons to his or their onely proper vses & profits, in such like maner and forme, as ỳ said P. shal deuise or assigne by his last will and testament, without paying any thing for the same, or otherwise to be charged or incumbred by any manner of meanes or waies for the same, other then is declared and mentioned in the said former Indentures, except only for the due debt of the said P. wherwith the said P. may happen to charge them in his last will and testament. Prouided alwaies, that if it happen the said yearely rent of &c. or any part or parcell thereof to be behind vnpaid in part or in all one fortnight next after the last day or time of any day of payment appointed in the said former Indenture &c. And also if the said P. his &c. do not or shall not hereafter perfourme, fulfill, & execute all & euery of ỳ couenants, grants, articles, and agreemẽts contained and specified in the said former Indenture, which of the part of the said I. and his &c. are to be obserued, perfourmed, fulfilled and kept, or els if the said P. his &c. do not, or shall not hereafter obserue, perfourme, & fulfil, all and singular ỳ aboue said couenãts, grants, articles, and agreemẽts contained and specified aboue in this present Indenture, which of the part of the said P. or his executors &c. are to be obserued, perfourmed, fulfilled, and kept: ỳ then and from thencefoorth it shalbe lawful for the said I. his &c. to enter into all and singular ỳ premisses with thappurtenãces, and into euery parcel therof, and ỳ same to retaine & haue as in his former estate: this Indenture or any thing therin contained to the contrary not withstanding. Further the sayd P. P. couenanteth &c. for him, his executors, &c. and with the said I. P. his executors & administrators by these presents, that he the said P. shall yeld, pay, and deliuer or cause to be deliuered vnto ỳ said I. P. and his assignes during ỳ terme of yy. yeres next comming after the date hereof, vii. quarters of wheat, xx. quarters of oates, good, sweet, marchãtable, and cleane dight, & vi. loads of wheaten straw, and vi. loads of oaten straw at ỳ feast of S. M. tharch. next comming after the date herof, and after the feast of S. M. tharch. to deliuer all the residue of the sayd corne aboue sayd monthly, by euen portions

during

duringe the said terme of yr. yeares. Also the said T. couenanteth & graunteth that when and as often as the price of a bushell of Wheate shall amount vnto aboue vi.s. viii.d. a quarter, which is after v.d. the bushell, and the price of Otes shal arise and amount aboue ii.s. the quarter, which is after iii.d. the bushell: That then the said T. his executors and assignes, shall allow the said P. asmuch in money as shall so arise aboue the prices aforesaid, limited, & appointed, from yeare to yeare. And also the said P. couenanteth and graunteth, that if it happen the said T. or E. to decease and depart this present life vnto almighty God, before C. or either vnto the said P. or & before the said terme of yr. yeares be fully expired: that then the said P. shall yelde, pay, & deliuer, yearely from time to time during the said yr. yeares, vnto the said C. & to her assignes, during the residue of the said yr. yeares then to come, v. quarters of Wheate, & iii. quarters of Otes. Prouided alwaies, that if the said T. and C. or either depart from this present life before the said terme of yr. yeares be fully expired, that then & from thencefoorth the deliuery of all the said Wheate and Otes, in forme aforesaid, to cease, and not to be due or payable. Whole these articles or clauses as before mentioned, or any thing in them, or any other matter, clause, or thing, whatsoeuer it be in this Indenture contayned or other wise to the contrary notwithstanding. In witnesse &c.

A couenant by the Lessee to depart.

PRouided alwayes, and nevertheles it is couenanted, condiscended concluded, and fully agreed betweene the said parties, and the said E. D. for him, his heires, executors, and administrators, couenanteth by these presentes, to and with the said A. B. his heires, executors, administrators, and assignes, that if the said A. B. his heires, executors, administrators, or assignes, or any of them do well and truely content and pay, or cause to be contented vnto the said E. D. his heires, executors, administrators, or assignes, or any of them, the summe of &c. at one whole and entier payment, at, or vpon the day of &c. in the Hall of Lincolns Inne in the countie of Middlesex, betweene the houres &c. without fraud or couin. That then and from thencefoorth and after the payment of the said summe of &c. the said bargaine and sale of the said capitall mansion with the appurtenances and all other the foresaid messuages and hereditaments with their appurtenances before bargained and sold, shalbe clerely void and of none effect: And that then and from thencefoorth the said E. D. and his heires, and all and euery such person or persons, and their heires, shalbe, stand, & be seised in the said Capitall mansion Sect. 316.

manour, and other the premisses, with their appurtenances, and euery part and parcell thereof, to the onely vse of the said A.B. and the heires and assignes of the said A.B. for euer, and to no other vse. And that then the said C.D. his heires or assignes, shall deliuer, or cause to be deliuered vnto the said A.B. or the heires or assignes of the said A.B. all euidences, deeds and writes, euidences, charters, writings, escripts, and muniments concerning the premisses, which he shall haue receiued of the deliuerie of the said A.B. or of the heires or assignes of the sayd A.B. And for default of payment of the said summe of &c. vnto the said C.D. his heires or assignes, as is aforesaid, made, and not performed: That then and from thencefoorth the said bargaine, sale, and assurance of the said capitall mansion or dwelling house, and all other the premisses, shall be good and inuiolable to the said C.D. his heires and assignes, to their vse for euer absolutely, without any maner of condition: And that thencefoorth the said C.D. his heires and assignes, shall quietly occupie and enioy all and singular the premisses, with their appurtenances, to his or their owne vse and behoofe, without let or interruption of the said A.B. his heires or assigns, or any other person or persons, in his or their name or names, interest, or behalfe, or by his or their assent, meanes, or procurement: This Inuenture, or any thing therein contained, to the contrarie in any wise notwithstanding. In witnesse whereof &c.

A Grant of a fee or chiefe rent with homage and seruice.

Sect. 317. SCiant &c. quod ego W. H. dedi, concessi, & hac præsenti chart mea confirmaui R. M. totum reddit meū de xxx. s. homag' et liber seruitiū exeuntia de vno tento et quatuor virgatis terræ I. S. in D. cum omnibus pertiñ. Quod quidem tentū et quatuor virgatæ terræ quondam fuerunt E. S. Habend' & percipiend' prædict' &c. pręf. R. W. hæredib' & assignatis suis imperpetuū. Soluendo, faciendo, et reddendo eid' modo et forma sicut pdict' I. S. & eius antecessores mihi et antecessoribus meis facere, soluere, & reddere consueuerunt. Et si contingat pd redd' xxx. s. a retro &c. extunc bene liceat pfat R. W. hęredibus & assign suis in predict' &c. In cuius rei &c.

A Grant of Annuitie for ministration of Gods seruice.

Sect. 318. REx omnibus ad quos præsentes literæ peruenerint, salutem: Sciatis quod nos intuitu charitatis, dedimus & concessimus dilecto

lecto subdit nro T.S. capellan pro ministratione diuinii seruic' infra ecclesiam sanct' G. de G. infr dominium de W. ac ad orand pro nobis & pcharissima consorte nra reg. exituq nro, quand' annuit x. marcar sterl Habend & percipiend' annuat durant vita sua de feod' firm dnij nri vocat N. infra com nostrū E. p man' Vic' firmarior seu alior occupator eiusd pro tempor existen ad festa &c. Aliquo actu, ordination' seu statut inde in contrar fact' non obstant. In cuius &c.

An Annuitie or yearely fee giuen to a seruant for promotion of a marriage.

CHristianis Vniuersis præsens script inspectur sine audituris R. M. Armiger, salut in auctor salut, & fidem indubiam presentib adhibit Sect. 319. Cum nonulla spes matrimonij int R. A. famuli meū, & A. O. (annuent Deo) futuri affulget. Scitote me eundem R. (vt qui commodū & vtilitat dicti famuli mei propt obsequium mihi in famulatu suo ingenue & diligent pstatū plurim augere velim, quo commod' int eos vineret) dedisse, cancellasse & hoc præsent script meo confirmasse pf. R. A. & A. quandam annuitat &c. exeunt de manerr &c. Habend', gaudend, &c. eisdē R. A. & A. & eorum vtriq diuti' viuenti & assign suis durat vita mea pf. R. ad festa &c. Et si & quoties contingat &c. plenarie fuerint, satisfact' & psolutū vna cū damnis et expensis suis in ea pte sustinendis Prouiso semper q si dict' nuptiæ non succesr, nec consummat fuerint, aut si ijdē R. A. & A. p me aut mea causa aliquo modo promot fuer sive obtinuerint, aut promoueri sive obtinere possint, aut eor' alt potest, aliquam annuitat seu annualem redd', terr, tenta seu hæreditamta, aut aliquā certitudinē vict', habend' eis durante vita mea, annui valor x. li. aut maior, qd' extunc presens script penitus irritum erit premissis non obstantib'. In cuius rei testimonium &c.

A Graunt of an Annuitie out of lands.

THis Indenture made &c. betweene A. C. &c. and J. C. &c. on the one partie, and R. D. on the other partie, witnesseth, that the said A. C and J. C. as well for and in consideration of the full sum of one thousand pounds of &c. As also for diuers &c. haue giuen and granted, and by these presents doth giue, and grant for him and his heires vnto the said R. D his executors &c. one annuitie of one hundred pounds of &c. by yere, by the said A. C. his heires &c. from thencefoorth yerely to be paied to the said

Sect. 320

R.

M. M. his executors, administrators, or assignes, by and during the whole terme of three score yeares fully to be complete and ended, at the usuall place of receipts and payments of money, scituate in the West end of the Royal exchange in L. at two equall payments in every yeare: That is to say, on the last day of M. fiftie pounds of &c. and on the last day of N. fiftie pounds of like &c. The first payment thereof to begin and be made on the last day of May next ensuing the date hereof. And so from thencefoorth the same annuitie to have continuance and to bee yearely paied vnto the said M. M. his heires, executors, &c. vpon the said daies, at the place aforesaid, during the said whole terme of three score yeares fully to bee complete and ended. And the said A. C. for him &c. doth covenant &c. That if and as often as it shall happen the said annuitie or one hundred pounds, or any part or parcell thereof, to bee behind vnpayd by the space of eight and twentie daies, ouer or after the said last day of M. or the last day of N. ouer or after either of them: That then and so often as it shal happen during the said terme aforesaid the said A. C. his heires &c. shall forfeit and lose to the said M. M. his &c. the summe of xx. markes of &c. in the name of a paine. And then and so often shall make full and true payment to the said M. M. his &c. at the place aforesaid, as well of the said twentie markes in the name of a paine, as for that part of the said annuitie of one hundred pounds wherein default shalbe made, as is aforesaid, within five moneths next after such default made, on the last day of M. or last day of N. as is aforesaid. And for the considerations aforesaid, and for a good and certaine suretie and assurance to be had and made to the said M. M. his &c. of and of the said annuitie of C. li. to him and them well and truely to be paied every yeare during the said whole terme of xl. yeares, according to the purport and true meaning of these presents: They the said A. C. and I. C. for them &c. doe covenant &c. that they the said A. C. and I. C. by fine or fines to be duely knowledged and levied before the Justices of the Queenes Maiesties Court of common Pleas at W. before the tenth day of N. next ensuing the date of these presents, with proclamations had and made thereupon, according to the order and course of the lawes and statutes of this Realme, shall and will sufficiently and lawfully convey and assure to W. F. and M. M. and the heires of one of them, all that the Mano[illegible] and Lordship of E. with all and singular &c. scituate, lying, being, arising, happening, renewing, growing, or chewing in the towne, parish, fields, or hamlets of E. or elsewhere within the said County of L. to the said Mano[illegible] or Lordship of E. belonging or in any wise appertaining, or occupied, used, demised, or leased, to or

with

with the same: or esteemed, taken, reputed, accompted, or knowne as part, parcell, or member thereof, or of any part or parcell thereof. And all and singular other messuages, milles, lands, tenements, meadowes, feedings, pastures, woods, underwoods, rents, reuersions, seruices, priuiledges, liberties, franchises, iurisdictions, preheminencies, and hereditaments whatsoeuer of the said A. C. and I. C. or either of them, in the towne, parish, fields, or hamlets aforesaid, or in any of them, by such sufficient and conuenient names and qualities, as shall be requisite or meete: And with warranty from them and their heires against all persons: Which said fine or fines so to be knowledged and leuied shall be, And the said Y. F. and Y. Y. and their heires shall thereupon stand and be seised of and in the said manor, and all other the premisses and euery part thereof, to the onely vse and behoofe of them the said Y. F. and Y. Y. and their heirs vpon trust and confidence neuertheless, and to the end and intent that thereupon a good and perfect recouerie shal and may be had of the said manor and other the premisses against them the said Y. F. and Y. Y. by such persons and with such vouchers euer, and to such vses, intents and purposes, as hereafter in and by these presents is expressed and declared. And the said A. C. and I. C. for them and their heires doe further couenant &c. That before the xx. day of May next comming after the date of these presents a good and perfect recouerie by writ of Entre sur disseisin in le post, according &c. as in couenants to suffer recouveries with double voucher. And it is further witnessed, declared, couenanted, condescended, concluded, and fully agreed, by and betweene the said parties to these presents: That the said recouery so to bee had and suffered, as aforesaid, and all other recoueries, conueiances and assurances whatsoeuer after the saide x. day of May to be had, made, leuied, acknowledged, or suffered by the said A. C. and I. C. or either of them of the premisses, or of any part thereof, by any name or names whatsoeuer, and the full execution of them and euerie of them shall be, and shall bee adiudged and taken to bee to the vses, intents and purposes hereafter in these presents limited, appointed, expressed and declared, and to none other vse, intent or purpose: That is to say, vnto the vse and behoofe of the said A. C. and the heires males of his bodie lawfully begotten: And for default of such issue, to the vse of the right heires of the said A. C. The same vses and estate so to continue onely vntill default shall bee made of, or in payment of the said annuitie of C. pounds, before by these presents granted, or of any part thereof, at the place aforesaid, vpon any the last day of May, or the last day of May, or either of them. And by the said space of

fire

fyre moneths next following, or of, or in paiment of the said paine or penaltie of twentie markes, or any part thereof as aforesaid, contrarie to the true meaning of these presents, and from and immediately after any such default in paiment had and made as is said aforesaid: Then the said recoueries, and other the assurances aforesaid shall bee, and shall bee abiudged and taken to the onely and proper vse and behoofe of the said R.M. and of his heires and assignes, for and during the whole terme of three score yeares immediately from and after such default of paiment as is aforesaid, to bee fully compleate and ended and to none other vse, intent or purpose. And from and after the end, determination or surrender of the said terme of three score yeares, then to the vse and behoofe of the said A.C. and the heires males of his bodie lawfully begotten. And for default of such issue, to the vse and behoofe of the right heires of the said A.C. for euer, as if no such default of paiment had bin: Any thing or matter whatsoeuer to the contrarie thereof in any wise notwithstanding. And the said A.C. and I.C. and either of them for their and either of their heires and assignes do couenant, promise and graunt, to and with the said R.M. his heires executors or assignes, and euerie of them by these presents, that at the time of the said recoueries so to bee had, the said H.F. and H.H. or the survivor of them, shall stand and be lawfully seised of the freehold and inheritance of the sayde manour and other the premisses: And that the said manour or Lordship, and all and singular other the premisses in these premisses mentioned with the appurtenances, and euerie part and member thereof, from and after any default of payment by the space of fyre moneths, contrarie to the tenor, forme and effect of these presents, of, or in the said annuitie, or any part or parcell thereof, shall bee and remaine vnto the said R.M. his heires and assignes, for and during the said terme of xl. yeares free and clere, and freely and clerely acquited and discharged, or otherwise from time to time vpon reasonable request well and sufficiently saued and kept harmeles by the said A.C. his heires &c. of and from all manner of other bargaines, sales, grants, &c. The chiefe rents &c. and all lawfull leases &c. whereupon the old rents are or shall be reserued and shalbe yearely payable after such default made to the said R.M. his heires for and during the said terme of xl. yeares only, excepted and forepriced. And further the said A.C. and I.C. &c. that from and after such default made, the said premisses shall bee and shall remaine and continue vnto the said R.M. his executors and assignes, for and during the said terme of three score yeares of the full clere yerely value of one hun-

dred

dred and fiftie pounds of lawfull English money, ouer and aboue all charges and reprises. And moreouer that the said R.P. his heirs and assignes, shall and may from thencefoorth during the sayd terme of threescore yeres peaceably and quietly haue, hold, and inioy all and singular the said manor and lordship, & all other the premisses before mentioned, and euery part, parcell, and member thereof, without any let &c. (except before excepted.) Prouided alwaies, that if the said A.C. his heires and assignes, shall make any such default in payment as is aforesaid, so that the said R.P. his heires and assignes by reason of the same default, shall or may from henceforth possesse, inioy, receiue and take all and singular the rents, reuenues, issues and profites of all and singular the premisses, with the appurtenances according to the true meaning and purport of these presents: That then the said annuitie before by these presents granted, shall cease and determine. And moreouer the said A.C. and I.C. and either of thē &c. That they the said A.C. and I.C. their heires and assignes, and all and euery person and persons hauing, claiming, or pretēding to haue, or which of right ought to haue, claime or pretend to haue any estate, right, title, interest, vse, possession, reuersion, remainder, inheritance or demand of, in or to the premisses, or any part, parcell or member therof, shall and will at all times, & from time to time, from and after such default in payment, as is last before mentioned, during the space of fiue yeares then next insuing &c. deuise and deuises whatsoeuer, bee it by deed or deedes inrolled or not inrolled, fine, feoffement, resouery, release, confirmation with warranty against all men, or without warrantie, for the further, more better and perfect assurance vnto the said R.P. his heires and assigns for and during the said terme of 60. yeres, without any condition, as by the said R.P. his heires &c. In witnesse &c.

Annuitie by a Bishop.

OMnibus &c. G.P. Arch. D. Decanus & capit Eccles. Cathe- Sect. 322.
dral S.P. iuxta D. salut &c. Noueritis nos prefat G. Archiep Decan & Capit prædict' ex vnanimi assensu & concensu nris & voluntate totius Capit dedisse, concessisse, & hoc præsenti scripto nostro confirm de nobis & succes. nostris W.F. vnum annual redd' &c. exeunt & exitur de omnibus messuag', terr, tenit, redd', reuerc', seruic', decimis & omnibus alijs reuenc' & emolument spiritual' ipsius Archiep vel Archiepiscopat sui &c. Habend' &c. de omnibus pd' mess. &c. prefat W. et ass. suis pro term vitæ ipsius W. Soluend' &c. ad festa

&c.

&c. Et si contingat &c. *vt in aliis districtionibus.* In cui' rei testim tã nos pf. G. Eps Arch. sigill' nrum, q̃ nos pd' Decan' & capit' sigill' nr̃ũ cõmune apposuim'. Dat' domo nr̃a capit' &c. x. die &c.

A Grant of annuitie for the releasing of a title into land, according to an award.

Sect. 322. OMnibus Christi &c. M.H. &c. Sciatis me pref. M.H. in considerac' cuiusdam sursũ reddicionis & relaxationis mihi p̃f. M.H. & cuidã I.B. & vtriq nr̃ũ p T.C. & I.C. & eorũ vtrunq fact de toto titulo, stat', clam, tenñ, demand' & intereſſe, quã vel ijd' T. & I.C. nuper habuerint vel alt' eor̃ habuit de aut in manerĩ de F. cum ptiñ in com̃ N. ac de & in oĩb' tentis &c. ac in pformation & iuxta effect' cuiusdã arbitrij per H.S. & W.B. ac R.C. & B.C. inde nuper confect', dediſſe, conceſſiſſe, & hac p̃senti carta mea, præf. M.H. confirmaſſe p̃d I.C. quandã annuitat' &c. exeunt' de p̃dict' &c. cũ eor̃ pertiñ. Habend' præfat' I.C. exec' &c. Et si & quoties conting' præd' &c. *vt in aliis distrĩct' &c.*

A Grant of a penſion in recompence of an appropriation.

Sect. 323. OMnibus &c. D. permiſſione diuina Abbas Monaſterię beatæ M. de M. dioc' & eiuſdem conuentus, Salutem in domino ſempiternam: Vniuerſitat' vr̃æ volumus eſſe notum, quod cum venerabilis in Chriſt' pr̃ domiñ Reg' dei gratia Epiſcop' L. de concenſu capituli ſui eccleſiam paroch. dioc' & nr̃i patronat' nobis ac monaſteri nostro canonice appropriauit, & in propr̃ vſus conceſſerit, cum ſuis iurib' & pertiñ vniuerſ. perpetuo tempore poſſidend', conſiderans quod dictus E̅pus temporibus ſuis prędeceſſ. & prædeceſſor̃ ſui ſuis tempor̃ fructus & obuentiones dictę eccleſię de P. tempore vacationis eiuſdem eccleſ. perceperũt, & percipere conſueuerunt a tempore cuius contrariũ memoria hominũ non exiſtit, quos iam eo q̃ pręd' eccleſia ration̄ appropriationis hm̃di amplius vacare non poterit, nec dict' domiñ E̅ps nec eius ſucceſſ. futur̃ deinceps percipere non poterunt nec habere, aliaq̃ damna non modica p̃dict' E̅ps & capitul' eo pretext' ſentire poterit occaſion̄ appropriac' hm̃odi forſan in futur̃, Nos abbas & conuent' p̃d hoc plenius attendentes hab'it circa præmiſſ. & ea contingeñ deliberac' & conſilio cum viris peritis, & in domo capitular̃ inter nos pleno communi conſilio & frequent' tractat' concurreñ & omnibus requiſit' ſolenit' in hac parte (ne dict' domin' E̅pus & capitul' p̃textu dict' appropriationis damnum ſentiant in futur̃ aliqualit' aut iacturam) conceſſimus p̃fat' Epiſcopo & capitulo xl. s. legalis monetæ Angliæ nomine annuæ pen-

Pencionis de eccleſia de P. memor in recompenſationem dampnorum quæ per appropriationē p̄d̄ ſentire poterint, & a tempore pacificæ poſſeſſionis dict' eccleſię de P. per nos vel ſucceſſor nr̄os adeptæ ad duos anni terminos, viz. ad feſta P. et M. p̄ equal' porciones Capitulo ſupradicto, vel eius procurator̄ qui pro tempore fuer̄ in eccleſ. Cathedrali p̄ed̄ ſoluend'. Ad quam quidem ſolutionem modis quibus præmittit fidelit̄ faciend' nos ſucceſſ. noſtros & monaſter̄ p̄ed̄ imperpet̄ oblig. Submitt̄ nos & ſucceſſ. noſtr̄, ac eccleſias de L. & P. p̄d̄ per eand̄ obligationē iuriſdict' & coherc' dn̄i Epiſ. L. & eius officiał ac Arch'. L. qui pro tempore fuerint. Vt ſi vnquā (qd' abſit) nos & ſuccor̄ noſtr̄ in ſolution dict' pecunię loco & termin̄ ſtatutis defecerimus ſeu defecerint in hac p̄te, poſsint, & quilibet eorum poterit per ſe imperpet̄ compellere nos in eccleſijs de L. & P. antedictis per ſententiam interdict' ſuſpenſion̄ & excōmunicationis, ac per eorund' fructū ſequeſtrationem necnon p̄ alium modum quemcunq; provt melius & facilius p̄d̄ Epiſc' & Capit̄ videbitur expedire, quouſq; eiſd' Epiſc' & Capitulo de dict' pecuniæ ſumma, loco quo p̄mittit, plenar̄ fuerit ſatisfact' p̄ter expenſ. quas obinde fecerint & p̄ter intereſſe ſuū, pro quibus eiſd' ſimiliter tenemur integrē ſatisfacere nulla omnino remiſſione petenda renunc' imperpetuum pro nobis ſucceſſ. noſtris, ac eccleſijs de P. & L. ſupradict' tam eccleſiaſtic' quā regular̄ & cuiuſcunq; poteſtatis ſecular̄ exibition impedition priuileg' recuſae' ſuplicac' in integrum reſtitution excuſation cancellac' dilec' & expec' p̄ nos vel ſucceſſor̄ noſtros impetrand' ſeu impoſterum impetrand' omniſq; iuris & fact' remed' quod nos & ſucceſſor̄ noſtros, ac eccleſias de L. et P. ſupradict' contra p̄æd' ſolution et obligac' ſiue in principał ſiue in occident̄ emergent̄ queſtion qualicūq & vndecunque tueri poterit quouiſmodo, & qd' preſens obligatio tunc ſtabit ſuo robore & effectu. In quorum omnium robur & teſtim' ſigilla noſtra præſentibus ſunt appenſa. Dat' apud M. in domo noſtra capitular̄ x. die M. &c.

A graunt of a Corodie.

OMnibus &c. N. Abbas Monaſter. beatæ Mariæ Ebor̄ & eiuſdem loci Conuent̄ ſalutem &c. Nos vnanimi conſenſu & aſſenſu noſtro conceſsiſſe, & hoc præſenti ſcripto noſtro indent̄ confirmaſſe W. S. quoddam Corrodium ad totam vitam ſuam, percipiendo de nobis et ſucceſſ. noſtris in domo noſtro quolibet die quatuor panes melior̄ paſtus &c. de pane conuent'. Et duos panes mediocris Sect. 324

cris past' sciz. de pañ liber' seruientiũ, ducas legenas ceruisię, vnam de ceruisia conuentuali, & aliam de ceruisia liber' seruientum, quod, ferculacarnea vel piscea secundũ qđ dies expostulauerit: Et quolibet anno vnam robam prose de secta armig' nostroꝝ pro hyeme, & aliam pro ęstate, & aliam robam pro famula sua de secta liberꝝ seruentium nostroꝝ in hyeme, & vnam togam pro æstate suo statuti competent: Ac duas caractat̃ ligni focalis, & duas caractat̃ fœni pro equo suo, & vnã caractat̃ straminis pro lecto suo ad ostium domus masionis suę. Et si intra dictam Abbathiam nostram morari voluerit, tunc volumus qđ illa domus quę vocat̃ Siphons, cum salario super ædificat̃ & gardino eis assignat̃ sit illi appropriat̃ &c.

A grant of Safecondut of yeares respiting Debts.

Sect. 325

TO all true Christian people, to whom these presents letters shall come, A. B. of D. and E. F. Citizens of L. send greeting in our Lord God euerlasting. Whereas G. H. in diuers summes of money is vsseuerally is indebted, which summes of money the said G. H. is not, nor by likelihood shall be of ability to pay and content, vnlesse we giue or graunt vnto him our fauour and respite in paiment of the same. Therefore know ye, that we the said creditors aboue named, and euerichone of vs moued with pitie in consideration of the premisses, and of the good will and desire which the said G. H. hath to the contentation of the said duties, haue giuen and graunted, and by these presents giue and graunt vnto the same G. H. or by whatsoeuer name or addition that he bee named or called, and so to all them which for the sayd G. H. to vs, or to any of vs standen or standeth bound or charged, our sure, free, and whole licence, liberty and safeconduct, as much as in vs is: So alwaies that the said G. H. and all they which for him, or with him to vs stand bounden or charged, or other that bee seruants, factors and assignes of the sayde G. H. with all their goods cattels, marchandizes, debts, duties, and other things, in all manner of places, freely, quietly, well, and peaceably at their libertie, may and shall by day and night, goe, come, abide, soiorne and dwell, passe and repasse, in, to, or from any citie, towne, village, or other place or places within this Realme of England, or without. And all the goods, wares, marchandizes, and all other things as bin aboue rehearsed, to dispose, as it shall like and please the same G. and all those person or persons that with, or for him to vs, or any of vs stand bound and charged at all times and seasons from the day of the making hereof, vnto the end and terme of fiue yeares next and immediately ensuing after the day and dayes of

payment

payment ſpecified in the ſpecialtie or ſpecialties wherein the ſaid G. or any other perſons for the ſame G. in any wiſe ſtandeth bounde and charged vnto vs. And that wee or any of vs ſhall in no wiſe purſue, arreſt, attach, hurt, withhold, let, or greeue: nor any other perſon or perſons for vs, or any of vs, or in the name of vs, or any of vs, by the auchoritie, aſſent, will, and agreement of vs, or any of vs, the ſaid G. or thoſe perſon or perſons, or any of them, which for the ſame G. to vs, or any of vs, in any wiſe ſtandeth bounde or charged by their bodies as fugitiues, nor otherwiſe, nor by their goods, cattels, marchandizes, or any other things of theirs, or any of them for payment to be made to vs, or any of vs, of our ſaid duties, nor any part or parcell of them, or for to find to vs, or any of vs, any other or better ſuertie or ſuerties for contentation and payment of the ſame our duties, other then wee or euericch of vs now haue and hath for the ſame payment of our ſaid duties, or any otherwiſe during the terme aforeſaid, by reaſon or occaſion of any debt, accompt, receit, treſpas, buying, ſelling, contract, or any other thing, matter, cauſe, or ground whatſoeuer it bee, before the date of theſe preſents, betweene vs, or any of vs, and the ſaid G. and thoſe perſons, which with, or for the ſame G. to vs, or any of vs ſtand bounden, charged, or chargeable, had, made, mouing, or depending. And if it happen within the ſaid terme, any money or goods to be attached or arreſted in the name of vs, or any of vs, or by any other perſon or perſons in the hands of the ſaid G. or of them, or any of them, which for him to vs, or any of vs ſtandeth bound, or be charged, or chargeable by force of any bill or bills, plaint or plaints, againſt them, or any of them to be leuied or attached: that then wee, hee, or they of vs, in the name of whom any ſuch bill or bills, plaint or plaints, ſhall be made or affirmed, ſhall put in ſuerty for the ſaid bill or bills, plaint or plaints, and ſo vtterly diſſolue and diſcharge the ſame attachment and attachments, when, and as ſoone as wee, they, or hee of vs, in the name of whom the ſaid attachment or attachments ſhall be made or affirmed, ſhall thereto duely be required by the ſaid G. or by them, or any of them, which for him to vs, or any of vs ſtand bound or charged, and euery of them, thereof wee and euery of vs ſhall cleerely diſcharge, as often as any ſuch occaſion or cauſe ſhall happen to fall, during the time aforeſaid. And moreouer wee all the creditors aboue ſpecified will and graunt, and euery of vs for his owne part willeth and grauntеth to the ſaid G. by theſe preſents, that if it happen the ſaid G. or them, or any of them, which for him to vs, or any of vs ſtand bound or charged in their owne perſons, or

in the person of them, or any of them, or in, or by the goods, chattels, or marchandizes of them, or of any of them, at any time within the terme aforesayd, by vs, or any of vs, or any other person or persons, by the commaundement, will, procuring, authoritie, consent, or knowledge of vs, or of any of vs, against the tenor, forme, and effect of these our present letters of Safeconduct, in any wise to be arrested, sued, impleaded, hurt, grieued, attempted, vexed, or hindered, and thereof after the forme aboue said, be not relieued, nor defended: That then the said G. and those which for him to vs, or any of vs stand bound or charged, and their heires and executors by these presents, shall be for euermore quite and discharged against him, or them, of vs, by whom the sayd G. and those persons which for him to vs, or any of vs stand bound or charged, or any of them, shall so against the forme, tenor, and effect of these our present letters of safeconduct be attempted, vexed, or hindered, and thereof not released, dissolued, nor defended, according to the forme aboue said, of all maner actions, suits, quarels, challenges, recognisances, executions, and demaundes whatsoeuer they bee, from the beginning of the world vnto the day of such attempting vexation, griefe, or hindering. In witnesse &c.

A grant of liberties and easements in ground.

Sect. 326 THis Indenture &c. Betweene M. Y. and M. G. witnesseth, that whereas the sayd M. Y. hath bargained and sold to the said M. G. and his heires for euer, two tenements &c. Now the same M. for diuers good considerations him now moouing, hath giuen, graunted, and confirmed, and by these presents for him, and his heires doth giue, graunt, and confirme vnto the sayd M. G. his heires and assignes for euer, free liberties of ingresse, egresse, and regresse, for them, their heires and assignes, and for their seruants, at all times necessarie and conuenient, to enter into the ground and garden plot, now in the tenure, possession, and occupation of the said M. Y. to repaire and amend the part of the sayd two tenements next adioyning vnto the sayd garden plot, either with timber worke, stone worke, reeding, thatching, daubing, or otherwise. And further the sayd M. Y. for him &c. conenanteth, &c. quietly to permit and suffer the sayd M. G. his heires, executors, and assignes, and all and euerie of them, together with his or their workmen, at all times conuenient and needfull, to haue free ingresse and regresse, in, and to the said garden, for the carying and recaryage of all such timber, stuffe, stone, mortar, clay, reed, or thatch, which

which ſhall bee needfull at any time whenſoeuer, for the reparations aforeſaid, without the let, deniall, or interruption of any perſon or perſons by his aſſent, conſent, procurement, priuitie, or commandement. And further the ſaid R. H. for him, his heires, and executors, couenanteth, and free libertie giueth and graunteth vnto the ſaid R. G. his heires, executors, and aſſignes, that he the ſaid R. G. his heires, executors, and aſſignes, ſhall and may, and that it ſhall be lawfull to and for the ſaid R. G. his heires, executors, and aſſignes, to ſet vp, and reare any ladder or ladders, ſtage, poles, and ſtages within the ſaid garden at all times needfull and conuenient, for the repairing of the part of the ſayd two tenements adioining next the ſaid garden plot. And the ſaid R. G for him &c. couenanteth &c. that he the ſaid R. G. his heires or aſſignes, without fraud or couin, ſhall within two daies next inſuing thend of any ſuch worke or reparations made and done, in, and vpon the ſaid tenements, make cleane the ſaid garden plot ſo annoyed at any time by him or his workmen in the time of his ſaid reparations, and the ſoile thereof to carry away, or cauſe to be carried away, out and from the ſaid garden plot, at the only coſts and charges of the foreſaid R. G. his heirs executors and aſſignes. In witneſſe whereof &c.

A grant of a Wardſhip by the Queene.

REx omnibus ad quos &c. ſalutem. Sciatis quod nos de gratia nra ſpeciali, ac ex certa ſcientia & mero motu noſtris, dedimus & conceſſimus, ac per præſentes quantum in nobis eſt damus & concedimus dilecto & fideli ſubdito noſtro T. F. generoſo, cuſtodiam omnium & ſingulorum maneriorum, terrarum, & tenementorum, reddit, reuerc', ſeruic', viſ. francipleg', libertatum, aduocation, patronat ecclesiæ capit Cantuarienſ. priorat, feod milit, & omnium aliorū hereditamentor quorumcunq; cum omnibus ſuis ptiñ in A. & alibi infra terram noſtrā Hibern, quæ nup fuerunt R. B. de D. defuncti, aut alicuius alteri⁹ ſiue aliquorum alior ad eius vſum ſeiſiti vel ſeiſitorum, & quę per finem poſt mortem ipſius R. B. ratione minoritatis E. B. filij & hæredis maſcul de corpor pdicti R. B. exeunt, vel ratione cuiuſdam actus pliamenti, vel aliquo alio modo quocunq; ſine ratione minoritatis dict E. ad manus noſtr deuenerſ ſiue deuenir debuerunt, ac in omnibus noſtris iam exiſtunt, aut exiſtere debent, quouiſmodo in futurum ad man⁹ nras deuenient, aut deuenire debent per finem E. R. vxoris dicti R. ratione minoritatis dicti E. necnon cuſtodiam & maritagium dict E. abſque diſparagac'. Habendum & tenendum cuſtodiā omnium & ſingulorum Sect. 327

maneriorum, terrarum, tenementorum, & ceterorum prẽmiſſorum, vnà cum maritagio eiuſdem E. eidem T. E. executoribus & adminiſtratoribus ſuis, durante minoritate dicti E. & quouſque idem E. ad ſuam plenam & legitimam ętatem peruenerit, & in manibus ſuis fore contigerit, & quouſque legalis liberatio prędictorum maneriorum, terrarum, tenementorum, & ceterorum prẽmiſſorum facta fuerit, ſecundum curſum cõſilij terræ noſtr̃ Hiberniæ. Reddend̃ inde nobis, hęredibus & ſucceſſoribus noſtris annuatim ad Scaccarium noſtrum Hibernię predict̃ ad feſtum Sancti Iohannis Baptiſtę decem libr̃ legalis monetę terr̃ noſtr̃ prędict̃. Et ſi contingat prędict̃ E. obire antequam ad ſuam plenam & legitimam ætatem peruenerit, & antequam idem T. F. executores vel aſſignati ſui effectum maritagij ſui accepit vel acceperunt hęrede ſuo, vel hæredibus ſuis infra ætatem exiſtente vel exiſtentibus, tunc de vberiori noſtra gratia damus & concedimus prędict̃ T. F. executoribus vel aſſignatis ſuis cuſtodiam omnium terrarum, tenementorum & cæterorum præmiſſorum, cum omnibus ſuis pertinentijs (vt prędictum eſt) ac cuſtodiam & maritagium hæredis vel hæredum infraetatem exiſtentis vel exiſtentium, durante minoritate huiuſmodi hæred̃, & ſic de heredibus in heredes, quouſque alius, aut huiuſmodi heres ad plenam & legitimam ætatem peruenerit, ac quouſque idem T. executores ſeu aſſignat̃ ſui effectum maritagij vnius eorum accepit vel acceperunt, abſque aliquo alio computo, ſeu aliquo alio reddit̃ nobis, hæredibus, vel ſucceſſoribus noſtris reddendo, ſoluendo, aut faciendo. Inſuper ex abundanti gratia noſtra damus & concedimus eidem T. F. cuſtodiam omniũ maneriorũ, terrarum, tenementorũ, & cæterorũ hæreditamentorum quorumcunq; quę ad manus noſtras deuenerunt, ſeu deuenire debent ratione cuſtodiæ terrarũ & tenementorũ prædict̃, ac ceterorũ præmiſſorũ, vel ratione minoritatis præd̃ E. Eo quod expreſſa mentio &c.

A grant of a ward by the Queene.

Sect. 328. REgina &c. Sciatis quod nos de gratia noſtra ſpeciali, ac ex certa ſcientia & mero motu noſtris, dedimus & conceſſimus, ac per præſentes damus & concedimus dilecto ſeruienti noſtro A. B vni gromer̃ cameræ noſtr̃, wardum & maritagium R. R. filij & hæredis A. R. viduæ defunctæ: Nec non cuſtodiam & gubernationem tam corporis prædicti R. quam omnium terrarum & tenementorum, prat̃, paſcuorum, & paſtur̃ ſuorum quorumcunque, iacentium & exiſtentium

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in parochia de B. in comitatu nostro S. vna cum redditu & proficuo eorundem, modo in dono & dispositione nostris existent, ratione minoris ætatis prædict R. Habendum & tenend wardum & maritagium prædict R. &c. ac cætera præmissa cum omnibus & singulis suis ptinen præf. seruienti nostro & assignatis suis, durante minore ætate pdict R. de dono nostro, absque computo siue aliquo alio nobis vel hæred nris pro pmissis reddendo, soluendo, vel faciendo. Eo quod expressa mentio &c. In cuius rei &c.

A grant of the marriage of an Heire apparant.

THis Indenture made &c. Betwéene T. S. and W. M. Witesseth, Sect. 329
that it is couenaunted, graunted, bargained, and agreed betwéene the said parties, in manner and forme following: that is to say, The said T. hath bargained and solde, and by these presents bargaineth and selleth to the said W. the marriage of G. sonne and heire apparant of the said T. And if the said G. die before he be married by the assent of the said W. or his assignes, then the sayd W. shall haue the mariages of R. and A. daughters of the sayd T. or the same mariage of the said G. or the marriage of the sayd daughters, and of either of them to bee had and solemnized, at such time or times and place, and with such person, as the sayd W. or his assignes shall limit and assigne without disparagement. And the sayd W. his executors or assignes shall haue the guiding and keeping of the heire apparant or heire indeede of the sayd T. from the date of these presents, or as soone after as the same heire may conueniently bee deliuered to the same W. or his assignes, bee it male, or female or females, till the same heire if it bee male shall come to the age of one and twentie yeares, and if it be female or females, till they come to the age of sixteene yeares. And by all the same time the same W. and his assignes shall finde, and cause to bee found to the said heire or heires, meate, drinke, and cloth conuenient for his or their degrée: And also shall finde them to schoole and learning conuenient for their ages, after the discretion of the sayd W. or his assignes, at the costes and charges of the said W. or his assignes. And the sayde T. shall cause such a sufficient, sure, and lawfull estate &c. to the vses and intent following. And in like manner the said A. C. and D. C. E. and F. and their heires, after the said suretie of the sayd Manors, Lands, and Tenements with their

appurtenances to them made shall stand seised, of, and in the same manors, landes, and tenements with their appurtenances, to the vses and intents following: that is to say, of the said manor of T. and of all the sayd landes, and tenements in &c. to the vse of the said W.Y. and his assignes, from the feast of &c. last past before the date of these presents, till the said G. come to the full age of 21. yeres, and after the said G. bee of that age, then to the vse of the said G. and of her that shall happen to be his wife, married by the assignement of the said W. or his assignes, and of the heires of the same G. And of the said manor of Y. and of all the lands and tenements in C. which the same T. promiseth to bee of the yearely value of &c. ouer all charges, and of the manor of P. and of all the lands and tenements in P. to thuse of the sayd T.S. till the said G. come to the age of 18. yeares, then they to stand seised of the said manours of Y. and P. and of all the sayd lands and tenements with their appurtenances in Y.C. and P. to the vse of the same W.Y. and his assignes, till the said G. come to thage of one and twentie yeares, and after he come to that age, then to the vse of the said G. and his heires for euer: The said W.Y. during his interest, and the said G. and his wife during their interests, yeelding for the said manor of P. to the said T. as long as he liueth yearely foure pounds at the feasts of &c. And if the said T.S. decease (as God forbid) before the said G. come to the age of eighteene yeares, then they to stand seised of the said manors of Y. and P. and of all the lands and tenements in Y.P. and C. immediately from the death of the said T.S. to the vse of the said W.Y. and his assignes, till the said G. come to the age of 21. yeares, and after that age, then to the vse of the said G. and of her that shall happen to bee his wife, married at the assignement of the said W. or his assignes, and of the heires of the same G. for euer: And of the sayd Manours of R. F. and S. and of all the said landes and tenements in R. F. and S. which Dame A. late wife of the said R. and mother of the said T.S. now holdeth for the terme of her life as her ioincture, to the vse of the same A. for terme of her life, and after her decease to the vse of the sayde T.S. during his life without impeachment of waste: after his decease to the vse of the sayd W. till the said G. come to the age of one and twentie yeres, and after that the said G. shall come to the age of one and twentie yeares, then to the vse of the same G. and of his heires for euer: And of the said manor of C. and of all the residue of the sayd manors, lands, and tenements with their appurtenances, to the vse of the said T.S. for terme of his life, without impeachment of waste, And after his decease to the

vse

vse of the said W. M. till the said G. come to the said age of 21. yeares, and after the same G. come to the age of one and twentie yeares, then to thuse of the said G. and of his heires for euer. And if it happen the said G. to decease before he come to the age of 21. yeares, then the said W. M. and his assignes shall haue all the said manors, lands, and tenements with thappurtenances, which he should haue had till the said G. had ben of the age of 21. yeres, if the same G. so long had liued, vnto the time the saide K. and A. and either of them come to the age of 16. yeares. And if the said G. decease or bee married by the consent and assent of the said W. G. or his assignes, or if the said G. be maried by any of their assents, and the same G. decease before carnall copulation betweene him and his wife: Then the said W. shall haue the marriages of the sayd K. and A. and of either of them being heire apparant or heire indeede to the said T. S. and the said feoffees shall then stand seised of all the said manors, lands, and tenements, to the vses and intents following; that is to say, The said manors of T. and P. and of all the said lands and tenements in T. and P. to the vse of W. till the said daughters and either of them be of the age of sixteene yeares, and they shall stand seised of the said manors of P. and of all the sayd landes and tenements in P. to the vse of T. S. till the sayd K. and A. his daughters, and either of them shall come to the age of sixteene yeares: And after that either of them be of that age of sixteene yeres, then the said feoffees shall stand seised of the said manors of T. P. and P. and all the said landes and tenements in T. P. and P. to the vse of the heires of the said K. and A. of their bodies begotten, and for lacke of such issue, then after the decease of their husbands, to the vse of the said T. S. and his heires for euer: And they shall stand seisen of the said manor of F. K. and S. and of all the sayd landes and tenements in F. K. and S. to the vse of the said Dame A. for terme of her life. And after her decease to the vse of the sayd T. S. for terme of his life, without impeachment of wast. And after his decease, to the vse of the sayd W. M. till the same K. and A. shall come to the age of sixteene yeares, and then to them, and to the heires of their bodies begotten, and for lacke of such heires, to the vse of the right heires of the said T. S. for euer. And of all the residue of the said manors, landes, and tenements, they shall stand seised to the vse of the said T. S. for terme of his life, without impeachment of wast. And after his decease to the vse of the said W. M. and his executors, till the said K. and A. and either of them shall come to the full age of 16. yeares, and after they and either of them shall come

to

to that age, then to the vse of the same R. and A. and of the heires of their bodies begotten, and for lacke of such issue, to the vse of the right heires of the said T.S. for ever. Prouided alwaies, that it shall bee lawfull to the sayd T.S. to make a Joynture, or to assigne a Joynture in vse of the Mannor of G. with the appurtenances, to any woman that shall hereafter be his wife, if hee shall hap to bee married, to haue to her for terme of her life onely, or else to make a graunt of an annuitie of twentie pounds, or of a rent charge of twentie pounds, to be perceiued yearely of the same Manor, to the same woman that shall be his wife, if any such hap to be, to haue to her for terme of her life only, the sayd couenaunts notwithstanding. And if the sayd G. or the sayd daughters, or any of them being heire apparant or heire indeede of the sayd T.S. refuse to bee maried by the sayd W.P. or his assignes, and at his or their assignement: Or if the said sonne or any of the sayd daughters bee maried at the assignement of any other person than of the sayd W.P. or his assignes, then the same W.P. or his assignes shall haue in recompence of such marriage two hundred pounds of lawfull mony, to be perceiued by the same W. or his assigns, as it will yearely arise of the said Manors of H.T. and P. and of the said lands and tenements in H.T. and P. and E. immediately after the same heire that so refuseth to bee married by the assignement of the said W.P. or his assignes, or that shall bee married by the assignement of any other person than of the sayd W. or his assignes, shall come to the full age aboue limited, That is to say, If it bee male, to the age of twentie and one yeares, and if it bee female, to the age of fiftéene yeares. And that the said feoffées immediatly from the time that the heire come to such full age aboue limited, shall stand seised in the same Manors, Lands, and Tenements, to the vse of the said W.P. and his assignes, till the same W.P. or his assignes haue received of the issues and profits of the same Manors, Landes, and Tenements two hundred pounds of lawfull mony: And after that two hundred pounds so receiued, they shall stand further seised to the vse that the same feoffées shall take the issues and profits of the same Manours, Lands, and Tenements, till they haue receiued two hundred markes, to be expended as be limited by the last will of the said T.S. And if he make no will thereof, then it to &c. And if the said G.R. and A. happen to decease or ever they bee maried, and the sayd T.S. haue no issue of his bodie that may bee married, at the assignement of the said W. or his assignes: Then the sayd W. or his assignes shall haue in recompence for such marriage, and for such money as the said T. shall

haue

haue of the ſayd W. by his two hundred pound to be perceiued, as it will yearely grow immediately after the death of the laſt Heire apparant, or heire indeede of the ſayd T.S. of the iſſues and profits of the ſame Manors of H.T. and P. and of the ſayd Lands and Tenements in H.T. and P. and that the ſayd feoffees ſhall ſtand ſeiſed of the ſame Manors, Lands, and Tenements, to the ſame vſe and intent. And in caſe the ſayd G. deceaſe vnmarried, and the ſayd W.H. marrie one of the ſayd daughters vnto the heire apparant of the ſame W.H. and the ſaid T.S. marrie againe and haue iſſue male: That then the ſayd feoffees ſhall ſtand ſeiſed of the Manours of H.P. and T. and of the Lands and Tenements in H.P. and T. to the vſe of the ſaie W. and his aſſignes, vntill they haue receiued of the iſſues and profits of the ſame manors, lands, and tenements, for the mariage of the ſaid ſonne, 300. pounds of lawfull money: For which premiſſes well and truely to bee performed on the part of the ſaid T.S. the ſaid W.H. ſhall pay or cauſe to be paied to the ſaid T. 300. markes of lawfull mony. In witneſſe whereof &c.

A grant of Wardſhip and Marriage.

THis Indenture made betweene the moſt excellent Princeſſe, and our moſt dread Soueraigne Ladie Elizabeth by the grace of God &c. of the one partie, and G.W. gentleman of the other partie, Witneſſeth, That whereas our Soueraigne Ladie, with thaduice of the Maiſter and Councell of her graces Court of Wardes and Liueries, hee contented and pleaſed, to graunt, and by theſe preſents doe commit and graunt vnto the ſaid G.W. the cuſtodie, Wardſhip, and marriage of L.H. her Highneſſe Warde, ſonne and heire of G.H. gentleman deceaſed. And if it fortune the ſayde L.H. to die before mariage had, or before hee come, or bee of his full age: Then the warde and marriage of his next heire male, and ſo from heire male to heire male being within age, vntill the ſayd G.W. his executours or aſſignes, haue taken the effect of the marriage of one of them, without diſparagement, together with one Annuitie or yearely rent limited and appointed by the ſaid Maiſter and Counſell, to be paied yearely to the ſayd G.W. and his aſſignes, by the Queenes Maieſties Feodarie of the Countie of T. for the time being, for, and towards the education and bringing vp of the ſayd heire, or of any his heire or heires, Sect. 330.

heires males, hereafter happening to come to the custodie of the sayd W. G. or his assignes, by vertue of this present graunt, not exceeding the yeerely value of fiue pounds. And whereas also there doth not appeare at this time, that euerie part of the inheritance of the said E. H. vpon the death of his sayd Father, is come into the handes and possession of our sayd Soueraigne Ladie, nor certainely knowen parcell of the inheritance of the said heires, what ought to be in her Highnesse handes, and possession, because of such dowers, feoffements, and wils, as perchaunce bin declared in the same: therefore for that our Soueraigne Ladie should not bee deceiued in that behalfe, but that her Highnesse should haue perfect knowledge and vnderstanding of all such manors, landes, and hereditaments, which immediately after the decease of any person or persons, or after the yeares finished or ended, or any last will performed, shall discend, reuert, remaine, or come to the said heire in possession or reuersion, and the verie best and vttermost true value of them by the yeare, the sayd G. W. hath deliuered a writing indented, hereunto annexed, in the which beene contained and specified all such Manors, Lands, and Hereditaments, and the best and vttermost true value of them, which beene discended, or hereafter shall discend and come to the said heire in possession or reuersion, as is aforesaid: All which Manors, Landes, and other the Premisses in the same writing indented, bin valued to the best and vttermost true value of the same. And the said G. W. couenaunteth and graunteth for him and his assignes by these presents, that one Auditor or Auditors, or any other person or persons, appointed and authorized by the sayd Master and Counsell for the time being, at the costs and charges of the sayd G. W. or his assignes, shall search, view, and value the truth of the same: Vpon the which search, view, and value, if it can be proued that the said Manors, Lands, and other the Premisses, or any of them, which shall or ought to discend, reuert, remaine, or come to the said heire in possession or reuersion as aforesaid, bee omitted and left out of the said writing indented, or else be found of larger and better yeerly value, than in the sayd writing is limited: Then the sayd G. W. his executors or assignes, shall content and pay vnto our sayd Soueraigne Ladie as much money as the ouerplus of the yeerely value of the said Manors, Lands, and Hereditaments so vnder-valued shall amount vnto, aboue the yeerely value limited in the same writing indented, if any such shall bee found vpon the said search and view, after the rate of three yeares value, and also as much money as the said G. W. or any other to his vse shall perceiue and take of the said

manors

mannors, landes, and hereditaments, so omitted, and that from the decease of the sayd G. Y. and likewise the value of all the mannors, landes, and hereditaments, left out and omitted in the same writting indented, if any such shall bee found vpon the search, view, and value of the sayd mannors, landes, and hereditaments, being of the inheritance of the said heire, which shall happen to discend, reuert, remayne, or come to him, before hee come and bee of his full age of one and twentie yeares. And the sayd G. couenanteth and granteth, for him and his assignes by these p̄sents, that he the said G. W. and his assignes, shall not onely bring vp and intertaine the sayd T. Y. and all other his heire or heires males, hereafter happening to bee the Queenes Maiesties Wardes, or comming to the custodie of the sayde G. W. or his assignes, by vertue of the sayde graunt, in good erudition, vertues, and decent qualities, as to the Queenes honor in that behalfe, and the estate of her highnesse publike weale appertaineth, but also as much as in him and them lyeth, shall saue and defend all the mannors, landes, and hereditaments, of the inheritance of the said heire, from all vnlawfull intrusions, incrochments, wastes, decayes, spoyles, disorders, and expelling of tenaunts. And if at any time hereafter during the sayd graunt, any vnlawfull intrusion, incrochments, wast, decay, spoyle, disorder, or expelling of tenants be done or made vpon any part or parcell of the sayde inheritance, or if any euidences, muniments, or writinges concerning the same inheritance, bee imbeazled, withdrawen, concealed, or misused, to the knowledge of the sayd G. W. or his assignes: That then the sayd G. W. or his assignes, forthwith after knowledge had of any such intrusion, incrochment, wast, decay, spoyle, disorder, or expelling of tenaunts, imbeazling, withdrawing, misusing of euidences and writings, shall certifie the same to the said Master and Councell for the time being, and receiue and prosecute further order for the reformation thereof, to, and for the aduancement of the Queenes highnesse interest and right, and for the preseruation, safegard, and tuition of the inheritance of the sayd heire. And the said G. W. couenanteth and graunteth, for him, and his assignes by these presents, that neyther hee the sayd G. W. or his assignes, shall giue, graunt, commit, bargaine, or sell the sayd graunt, or the custodie of the sayd T. Y. nor any other his heire or heires males, comming to the custodie of the sayd G. W. or his assignes, by vertue of the sayd graunt, vnto any person or persons, being next of kindred to the sayd heire, to whom the said inheritance may discend, ne to any

other

other hauing, pretending, or clayming any title or interest to the said inheritance, or any part thereof: He shall dispose in mariage, or by any perswasion indure the said heire to marrie, where any case of disparagement, or other detriment, annoyance, or disorder may rise, contrarie to the order of the law. And the said G. W. couenanteth and graunteth, for him and his assignes by these presents, that within one yeare next after the date herof, he the said G. W. or his assignes, shall repaire to the said Master and Counsell for the time being, for the Queenes Maiesties bill signed, or warrant, for her highnesse letters Patents concerning the said grant, and shall prosecute forth, and bring the said letters Patents vnto the Auditor generall of the said Court of Wardes and Liueries to haue the same inrolled, as the same Auditor may haue perfect knowledge and vnderstanding how to charge or deduct the yerely allowance for the exhortation of the said heire, committed and graunted in the same letters Patents at all times when neede shall require. In witnesse whereof to the one part of these Indentures, remaining with the said G. W. our said soueraigne Ladies seale of her graces Court of Wardes and Liueries, with the aduise of the Master and Counsell of the same Court, is affixed & set, And to the other part remaining with the Queene in her graces Court, the said G. W. hath put to his seale, and subscribed his name the day of &c. in the xxxvij. yeare of our Soueraign Ladies most gratious raigne &c.

A graunt of a ward within age.

Sect. 331 OMnibus &c. I. Comes O. salutem. Sciatis me præfatum Comitem, pro quadam pecuniæ summa mihi per T. M. generosum, præ manibus solut, dedisse, & per presentes concessisse eidem T custodiam W. B. filię & hærd R. B. iam defuncti, Ac omnium terrarum, tenementorũ, & hæreditamentorũ, quę ad manus meas deuenire poterint, ratione minoris ætatis eiusdem W. post mortem dicti R. qui de me tenit die quo obijt per seruitium Militare. Habend & tenend custodiam prædict', ac maritagiũ prædict' W. pfat T. & assignat suis, quousque prædict' W. ad plenam ætatem viginti vnius annorum peruenerint, & quamdiu in manibus meis fore contigerit, seu remanẽ deberet. Et si contingat prædict' W. obire antequam ad plenã ætatẽ viginti vnius annorũ peruenerit, hæred suo infra ætatẽ existent, tunc sciatis me pfat Comitem, pro consideratione prædict', dedisse, & per præsentes concessisse præfat T. custodiam eiusdem hered, ac omnium terra-

terrarum, tenementorum, & hęreditamentorũ prædict' vna cum maritagio eiusdẽ hęredis, & sic de hæred' in hæredem quousq; vnus eorum ad plenam ętatem viginti vnius annorum peruenerit. In cuius &c. Dat. &c.

A graunt of an Aduowson of a Parsonage &c.

OMnibus &c. A. P. Dñs P. (aut A. B. Miles, vel armiger,) verus & indubitatus patronus Rectorię ecclesię parochialis de N. Eboracen̄ diocesis, salutem in dño sempiternum. Noueritis me præfat' A. dedisse &c. dilect' mihi C. P. & E. L. gener̄, coniunctim & eorũ alteri per se diuisim, executorib⁹ & assignat' suis, primam & proximam aduocationem donationem, collationem, nominationem, præsentationẽ, liberamq; dispositionem prędict' Rectorię eccles. parochialis de N. Volens, et hoc presenti scripto meo concedens, qđ bene liceat & licebit dict' B. & E. coniunctim, & eorũ alteri per se diuisim, executoribus & assignatis suis ad prędict' Ecclesiam quandocunque, quomodocunq; & qualitercunq; per mortem resignationem, priuationem, cessionem, permutationem, diuisionem, siue quocunq; alio modo, primo & prox. vacari contigerit, aliquem vnum virum honestum & literũ presentare ceteraq; omnia quæ ad patroni munus seu officium spectant perficere pro huiusmodi prima, proximaq; vacatione tant̄, adeo plene & integre sicut egomet ea in parte facerem si hoc præsens scriptum meum fact' minime fuisset. In cuius &c. Dat. &c. Sect. 332

Of an Aduowson of a Deanry, Prouostship, or Mastership of a Colledge.

REx &c. (*vt supra* 327. *A.*) ac tenore præsentium damus & concedimus dilectis subditis nostris A. B. & C. D. armig', primam ac proximam aduocationem &c. Decanatus, Prępositurę, Magistri, siue Præfecturę Collegij nostr̄ de N. in com̄ nostro M. Habendum &c. *vt supra.* Sect. 333

Of an aduowson of a Parsonage or Vicarage.

REx &c. salutem. Sciatis quod nos &c. dedimus & concessimus, ac per presentes damus & concedimus dilectis seruientibus nostris A. B. & C. D. Milit̄, primam, &c. *vt supra*, Ecclesiæ parochialis (*or if* Sect. 334

(or if it be of a Vicarage) Vicarię perpetuę eccleſię de N. in comit̃ noſtro Kanc', Cantuarien̄ dioceſ. & noſtri patron̄ pleno iure exiſten̄, vel in iure Coronæ noſtræ, vel ratione Ducatus n̄ri Lancaſtr̄, vel ex conceſſione A.B. hac vice tantum &c. Habend' & tenend' p̄d' primam &c. p̄f. A.B. et C.D. coniunctim vel diuiſim, aut eorũ aſsignat̃, & eorum cuilibet, pro vnica & proxima vacation̄ einſd̄ duntaxat: Ita qd' bene licebit eiſdem A.B. & C.D. coniunctim vel diuiſim, aut eorũ aſsignat̃ ſeu eorũ cuilibet authoritat̃ p̄ſent̄ doni et conceſsionis n̄r̄ę, vnum aliquem idoneum virũ ad dictam eccleſiam dioceſano eiuſd', aut alteri iudici in ea parte competenti p̄ſentare, cũ primo & proximo p̄fata eccleſia (vt p̄fertur) per mortem, reſignationem, priuationem, ceſsionem, ſeu quacũque alia ratione vacare contigerit. Ac omnia alia & ſingula quæ circa p̄miſſa neceſſaria fuerint, ſeu quomodolibet oportuna, peragere & implere, tam bene libere, ac integre, quam nos ipſi perageremus, ſi præſens conceſsio noſtra præf. A.B. & C.D. facta non fuiſſet. In cuius &c.

Of an Aduowſon of a Prebend in a Colledge.

Sect. 335 REx &c. Sciatis nos de &c. dediſſe &c. dilectis nobis T.H. & N.M. primam et proximam aduocationem canonicatus et præbend̄ in Collegio n̄ro Oxon̄, vulgariter nũcupat̃ (K. Henrie the eights Colledge) ac plenã et integram collation̄ h̄mdi canonicat̃ et præbendę, p̄ prima et proxim̄ vacatione eiuſdem tantũ. Ita q̄ bene licebit eiſdem T H. et N.M. ac eorũ vtriq; coniũctim et diuiſim, executorib⁹ et aſsign̄ ſuis, ac eorũ vtriq;, canonicatũ & præbendam præd̄ ſic (vt p̄mittitur) primo & proxim̄ vacant̃ vni alicui p̄ſonæ idonę vere & actualit̃ intuitu charitatis conferre. Necnon literas collationis ad hoc ſufficientes & in iure validas facere, ſigillare, et tradere, Decanoq; et Canonicis dicti Collegij noſtri pro h̄mdi perſonę receptione, admiſsion̄, et inſtallation̄ reſcribere, cęteraq̄ omnia circa præmiſſa neceſſaria facere et exequi pro h̄mdi prima vt præmittit̃ ac proxima vacat̃ tantũ, adeo plene &c. *vt ſupra.* In cuius &c.

A graunt of the next aduowſon of a Parſonage.

Sect. 336 OMnibus &c. Noueritis me prædictũ T.G. dediſſe &c. dilectis mihi in Chriſto I.C. et R.G. armig' et aſsignatis ſuis, primam &c. in comitat̃ E. Ita quod bene licebit eiſdem I. et R. executoribus, adminiſtr̄, aſsignatis ſuis quandocunque Eccleſia &c. *vt ſupra,* vacare

vacare contigerit aliquam aliam idoneam perſon̄ de qua ſibi melius videbit̄ expedire, ad Rectoriam pred̄ ſic vacuam nominare & preſentar̄ quouſque vna aliqua pſona idonea ad nominationem & preſentationem eorund̄ I. & R. ſeu eor̄ alterius, executor̄, adminiſtrator̄, aut aſſignator̄ ſuor̄, ſeu alterius eor̄ ad eand̄ Rectoriam cum pertin̄ admittat̄, inſtituat̄ & inducat̄ &c. In cuius &c.

A Collation or donation of a Chappell.

VNiuerſis Chriſti fidelibus &c. I. N. &c. ſalut̄ & ſinceram in dn̄o charitatem. Cum Capella libera de R. dict̄æ dioceſis iam vacare, & ad meam donationem pleno iure ſpectare dignoſcit̄. Noueritis me præd̄ Capell' cum omnibus ſuis iuribus & pertin̄ vniuerſis dilecto mihi in Chriſto R. C. clerico, viro tam probo quam literat̄ donaſſe & conceſſiſſe, ac tenore præſentium ipſium R. in corporalem poſſeſſionem dict̄æ capellæ cum pertin̄ inducere. In cuius &c. Sect. 337

A graunt of an aduowſon of a Parſonage in fee.

REx &c. Sciatis quod nos ex gratia &c. dedimus &c. G.R. & R.B. aduocation̄, donation̄, liberam diſpoſition̄, & ius patronat̄ & preſentandi rectoriæ & eccleſiæ pochialis de D. in com̄ S. Habend̄ &c. præf. G.R. & R.B. hæred̄ & aſſign̄ ſuis imperpetuum. In cuius &c. Sect. 338

An appropriation of a Parſonage by the Queene.

REgina &c. Sciatis quod nos &c. dedimus &c. Decano & Capitulo Eccleſiæ Cathedralis C. & beatæ M. virginis Wigorn̄, aduocationem &c. Rectoriæ & Eccleſiæ parochialis de D. in comit̄ B. Habend̄ &c. eiſd' Decano et Capitulo et ſucceſſoribus ſuis imperpetuum. Et vlterius ſciatis per præſentes quod nos de &c. ac auctoritate noſtra regia ſuprem̄ et eccleſiaſtica qua nunc fungimur, pro nobis hæred̄ et ſucceſſoribus noſtris concedimus, et licentiam damus præd̄ Decano et Capitulo et ſucceſſoribus ſuis, quod ijdem Decanus et Capitulum et ſucceſſores ſui rectoriam et Eccleſiam præd̄, quandocunque per mortem, reſignationem, ſiue depriuationem, aut aliquem alium modum quemcunque vacare contigerit, immediate in ſuos proprios vſus tenere ſibi et ſucceſſ. ſuis imperpetuum poſſint et valeant, abſque moleſtation̄ aut impediment̄ noſtro hæredum aut ſucceſſorum noſtror̄, et hoc abſque aliqua præſentation̄, inductiō̄, ſiue admiſſion̄ alicuius incumbentis ad eandem rectoriam ex- Sect. 339

tano imposterum fiend'. Ac vlterius ex certa scientia & mero motu nostris, ac authoritate nostra præd' qua nunc fungimur, pro nobis, hæredibus & successoribus nostris præd' rectoriam & Ecclesiam de D. prædict', prout extunc (vt prefertur) vacare contigerit, ac omnia & singula maneria, messuagia, terras, tenementa, redditus, reuersiones seruitia, glebas, decimas, oblationes, pensiones, fructus, proficua, commoditates, emolument', possessiones, & hæreditamenta quæcunque cum eor' pertinentijs vniuersis, tam spiritualia quam temporalia eisdem rectoriæ & ecclesiæ (sic vt præfertur) vacañ quoquo modo spectant' siue pertinen', præd' Decano & Capitulo & success. suis, ac dict' eccl' sue Cathedrali appropriamus, consolidam', vnimus & incorporamus. Habend', tenend', gaudend', & conuertendum eadem rectoriam & ecclesiam de D. predicta, ac omnia & singula præmissa eisdem rectorie et eccles. spectant et pertinen eisdem Decano & Capitulo & successoribus suis vt predict' est in proprios vsus suos absq; aliqua præsentatione, nominatione, inductione, siue admissione alicuius incumbentis, aut aliquorũ incumbentiũ ad eand' ecclesiam extunc imposterũ fiend'. Teste &c. Dat' &c.

A Graunt of a Stewardship for terme of life, with a fee for the same, and for counsaile.

Sect. 340. OMnibus &c. T. B. salutem. Sciatis me præfat' T. dedisse, & per præsentes concessisse A. B. officium Seneschall' siue Senescalciæ omnium & singulor' dominicorũ, maneriorũ, et hæreditamentorum meorum de R. F. & C. in Com' S. & custodiam siue officium tenendi Curiam, Leet. vis. franciplegiorum & singulorum curiarũ vis. franciplegiorũ & Leetar' dominiorum & maneriorũ præd' & eorum cuiuslibet: Ac ipsum A. Seneschallum meum generalem in cunijs meis vis. francipleg' & Leetarum infra dominia, maneria, & hereditamenta mea predict' facio, constituo, & ordino per præsentes. Habendum, tenend', exercend', & occupand' officium predict' cum pertinentijs, vne cum omnibus & singulis feodis, vadijs, regardis, proficuis, & aduantagijs eidẽ officio spectañ siue pertinentib' præfat' A. per se, vel per sufficientem deputatum suum, siue sufficientes deputatos suos pro termino vite ipsius A. Et vlterius sciatis me prefat' T. dedisse, concessisse, & hoc presenti scripto meo confirmasse præfat' A. tam pro officio predict' exercend', & occupand', quam pro bono consilio suo mihi per eundem A. ante hæc tempora impenso & imposterum impend', quendam annuitatem siue annualem redditum tantum so-

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lidorum, exeuntium de & ex omnibus ꝑdict' manerijs, et hereditamentis meis in R. F. & C. ꝑdict', ad festa Pi &c. annuatim soluend ꝑ manus receptoꝝ, firmariorꝝ, balliuorum, seu collectorum meorum præmissorum, durante vita ipsius A. Et si contingat, *(vt in clauſ. diſtrictionis, & nomine pœnæ &c.* In cuius.

A grant of a Stewardſhip of a Corporation to a Noble man with a fee.

OMnibus &c. R. I. Maior burgi de D. et Communitas eiusdem burgi salutẽ in domino sempiternũ. Sciatis quod cum anteceſſores nri de tempore in tempus per multos annos iam præteritos, reſpicientes res pręclaras domi foriſq; ab illuſtriſſimis viris, ac dominis domino G. quondam Comite S. auo, & F. nup Comite S. nobiliſſimo patre pręclariſſimi dñi G. nunc Com̃ S. dñi F. &c. ordinis diui G. equitis aurati, Regiæque Maieſtati à ſacris conciliis honorificentiſſime piiſſimeque geſtis, elegerint et conſtituerint eoſdem Comitates Seneſchallos ſiue recordatores ſuos manerii ſiue dñij et ſocæ vill' prædict', ad Cur̃ Letarum, viſus francipleg' villæ et ſocæ prędict', aliarumque rerũ ſuar̃ in villa et ſoca ꝑdict'. Nos vero ꝑd̃ nunc Maior et Cõmunitas burgi prędict' animis nr̃is recolentes et liber̃ agnoſcentes, quã pie pacifice, iuſte & æque præf. Comit̃ burgum ꝑd̃ hominesq; eiuſdem Burgi, cum omnibus manerijs, dominiis, terr̃, et ten̄t, et rebus ſuis ꝑ totũ regnũ ꝑdict' rexerint & gubernauerint quantaque beneficia ipſi in burgum ꝑd̃ homineſque eiuſd̃ ſepius contulerint, ꝑdictuſque nunc Comes etiã nunc indies confert, de cuius probata fidelitate ac ſumma in nos pietate ac benignitate merito plurim̃ confidimus. His conſideratis, dedimus, conceſſimus, et hac præſenti charta nr̃a liberè confirmauimus præfat̃ nũc Com̃, quẽ anteceſs. noſtr̃ annos abhinc circiter triginꝰ ad hoc eligerunt et ordinauer̃, officium Seneſchall' manerij, dominij, ſiue ſocę de D. ꝑdict', Ac omniũ Curiar̃, Lectar̃, viſus francipleg', ac omniũ aliorꝝ manerioꝝ, dñiorum, terrar̃, ten̄torꝝ, & hereditamẽtorꝝ noſtroꝝ, et eorũ cuiuſlibet infra prædict' villã, burgũ, ſiue ſocam, mañia, dñia, ac cætera præmiſsa. Ac eundem nunc Com̃ Seneſchallũ noſtrũ omniũ ꝑdict' noſtrorũ manerioꝝ, dominiorum, & ſocæ ꝑdict', ac omnium Cur̃, Lectar̃, viſus franc' pleg', terrar̃, ten̄torꝝ, & hereditamentorum noſtrorum ꝑdict' quorumcunque, & electioñ et ordinationẽ ꝑd̃ iure optimo plenè approbantes & confirmãtes, facim', conſtituim', ordinauimus & declarauim' ꝑ ꝑſentes. Habend', tenend', gaudend', exercend', & occupand' offic' ꝑd̃ cum ptiñ, vna cum omnib' & ſingulis feod', ꝓfic', commoditatib' Sect. 341

& aduantagijs eidem officio ſpectan̄ ſiue pertinen̄ præfat̄ G. nunc Com̄ S. per ſe, vel per ſufficientem deputat̄, ſiue ſufficientes deputatos ſuos, ad libitum ſuum, de tempore in tempus eligend̄ et ſubſtituend', pro termino vitæ ipſius tunc Com̄, tam honorifice, libere, et in tam amplis modo et forma, prout aliquis alius ſiue aliqui alij prædict' officium vnquam habuerint ſiue tenuerint, aut nos illud quoquo modo dare aut concedere poſſumus. Et vlterius ſciatis quod nos in conſideratione præmiſſorum, ac pro officio predicto exercend̄ & occupando, damus & concedimus pro nobis & ſucceſſoribus noſtris eidem nunc Com̄ & aſſign̄ ſuis, quandam annuitatem ſiue annualem reddit̄ &c., exeunt̄ de & ex omnibus manerijs, dominijs, terris, tenīs, & hæreditamentis p̄dict̄ cum pertinentijs, ad feſtum Natiuitatis Dñi annuatim ſoluend̄ p̄fat̄ Comiti, per nos & ſucceſſores noſtros, ſeu per manus receptorum Balliuorum & Collectorum præmiſſorum. Vna cum omnibus, aljs feodis, proficuis, commoditatibus, poteſtatibus, authoritatibus, libertatibus, præheminentijs, & priuilegijs, dignitatibus, & emolumentis quibuſcunque officio p̄dicto qualitercunque pertin̄ ſiue ſpectan̄. Ac in tam amplis modo & forma, prout aliqui alij, ſeu aliquis alius officium p̄dictum ante hæc vnquam habuerunt vel occupauer̄, ſiue habuit vel occupauit, aut habere ſeu occupare debuit ſeu potuit: Ac in tam amplis modo & forma, quam idem officium ac cætera præmiſſa cum pertinentijs dari aut concedi poſſunt aut debeant. Et vlterius conuenimus & concedimus per preſentes, quod ſi contingat predictum annuitatem ſiue annualem redditum &c. aut aliquam inde parcellam aretro fore inſolut̄ ad aliquod feſtum feſtorum predictorum in quo vt prefertur ſolui debeat durante vita præfati nunc Comitis, quod tunc & toties bene liceat & licebit eidem Comiti & aſſignatis ſuis in omnia & ſingula prædict̄ maneria, dominia, terr', tenementa, & hæreditamenta noſtra cum pertinen̄ intrare & diſtringere, & diſtrictiones ſic ibidem captas & habitas, licitè aſportare, effugare, & penes ſe retinere donec eidem nunc Comiti & aſſignatis ſuis de prædict' annuitate ſiue annuali redditu cum omnibus inde arreragijs ſi que fuerint, plenariè ſit ſatisfactum & perſolut̄. Humiliter ſupplicantes quatenus præfat. Comes prædictum officium, annuitat̄ ac cætera præmiſſa vt teſtimonium noſtræ in illum qualiſcunque gratitudinis certiſſimum à nobis accipere, & nos in illius clientelam ſuſcipere dignetur per præſentes. In cuius rei teſtimonium has literas noſtras patentes fieri, & eiſdem ſigillum noſtrum commune apponi fecimus. Dat̄ in Guilhalda burgi prædict̄ 4. die &c.

A Grant of Vnderſtewardſhip, or Deputation.

OMnibus &c. T. P. ſalutem, Cum W. F. per ſcriptum ſuũ gereñ dat̃ &c. conſtituerit & ordinauerit me præf. T. Seneſc' ſuũ dominiorũ & manerior ſuorũ de B. & S. in Com E. ac oĩum cur̃, viſ. francipleg', & leetar̃ infra dominia & maneria præd̃: Tenend̃, habend̃, occupand̃, & exercend̃ officiũ præd̃ per me, vel p̃ ſufficient̃ deputat̃ meum, ſiue ſufficientes deputatos meos pro termino vitę meę cum feodis, vadijs, regardis & p̃ficuis eid̃ officio ſpectañ, aut ab antiquo debit̃ vel conſuet̃ vna cum quodam annuali feodo xl. s. p̃ exercitatione & occupatioñ officij præd̃ prout in ſcripto p̃d̃ plenius apparet. Sciatis me p̃f. T. feciſſe, ordinaſſe, & per præſentes conſtituiſſe dilect̃ mihi R. S. meũ deputatũ ſiue ſubſeneſchallũ dominiorũ ſiue maneriorũ præd̃ oĩum & ſingularũ cur̃ viſ. francipleg' & leetar̃ infra dñia ſiue maneria prædict̃: habend̃, tenend̃, occupand̃, & exercend̃ idẽ officiũ hũdi deputat̃ ſeneſchalli eiuſd̃ R. per ſe vel p̃ ſufficientem deputat̃ ſuum, ſeu ſufficientes deputat̃ ſuos ad terminum vitæ mei præd̃ T. percipiendo annuatim durante t̃miñ præd̃ pro officio illo exercendo & occupando omnia feoda vadia regarda & proficua eidem officio ſpectantia aut ab antiquo debit̃ vel conſuet̃, vnà cum p̃d̃ annuali red̃ xl. s. adeo plene & integre, & in tam amplis modo & forma p̃ut egomet nunc aut p̃antea habui, p̃cepi, vſus fui, vel facere conſueui. In cuius &c. Sect. 342

A deputation with authoritie to execute the office of an Aulnageor,

THis Indenture made &c. Betweene &c. Witneſſeth, that the ſaid R. P. hath deputed, and by theſe p̃ſents doth depute the ſaid W. G. to miniſter, meddle, occupie, and exerciſe his office of Aulnage, & ſeale of woollen clothes, made and hereafter to be made, to bee put to ſeale within the townes of T. aforeſaid, T. D. and H. in the ſaid Countie of D. and the townes of &c. in the Countie of B. with their members, and within two miles compaſſe of euerie of the ſaid townes, not being in any other mans leaſe or farme, together with the whole Shires, and Countries of &c. the towne of W. only excepted and reſerued. To haue, vſe, occupie, and exerciſe the ſaid office of aulnage and ſealing to the ſaid W. G. his executors and aſſigns from the feaſt of &c. laſt paſt before the date hereof, vnto the end and terme of fiftie yeares, from thence next and immediately following, and fully to bee complete and ended, with Sect. 343

all the whole profits, reuenues, issues, and aduantages, that of right shall growe and bee due to the said W. G. by reason of the sayd office, during the said terme without interruption, mesling or disturbance of the said R. Y. or any other in his name, or by his commaundement: For which profits, reuenues, issues, and aduantages, to be perceiued, and taken in maner and forme aforesaid expressed, the said W. G. couenanteth and granteth for him, his executors and assignes, to pay yerely during the said terme of 14. yeares, and for euery of the same, iii. li. of good and lawful mony of England, to be paid to the said R. Y. his executors or assignes in the feast of &c. by euen portions. And in occupying and exercising the said office, during all the said terme of 14. yeares the sayd W. shall not do, or cause to bee done any thing contrarie to any act, ordinance, or statute, afore this time made, by any parliament, or hereafter to be made, concerning the said office, whereby the said R. Y. his executors or assignes, may run in any contempt, penaltie, or daunger, towards our said Soueraigne Lord the king, or towards any common person or persons, whereby the said R. Y. may at any time forfeit the said office. Moreouer the said W. G. couenanteth and granteth, to and with the said R. Y. that hee the sayd W. his executors or assignes, at euerie of the said feasts, during the said terme of 14. yeres, and for euerie yere of the same shal make true certificat and due presentment vnto the said R. Y. his executors or assignes, of all and euery such forfeitures of woollen clothes, aswell of broads, as of narrowes, as shal come to his hands or knowledge, or to the handes or knowledge of his assignes, from time to time, when such forfeiture or forfeitures of woollen clothes shall happen to fall, during the said terme of 14. yeares. And it is couenanted and agreed, betweene the said parties, that the sayd clothes so forfeited, shall remaine to the intent and vses hereafter insuing, that is to say: The one halfe and moitie of the said forfeiture or forfeitures, to the vse of our said Soueraigne Lord, according as it is expressed in the kings letters patents made to the said R. Y. of the office aforesaid, and the other moitie and halfedell to the vse of the sayd parties, equally to bee diuided and parted betweene them, that is to say, to the said R. Y. his executors or assignes the one moitie, and to the said W. G. the other moitie. And furthermore the said W. G. couenanteth for him, his executors and assignes, to and with the sayd R. Y. his executors or assignes, that hee the said W. his executors or assignes, nor none other manner of person or persons, in his or their name or commaundement, shall from thence forth seale any maner of cloth or clothes afore made or hereafter to be made and to be put to

seale, but onely such cloth and clothes, as now are and hereafter shall be made and clothed within the shires, townes and limits aboue specified, and in no other place, during the said terme of fourtéene yeares, any thing to the contrary aboue expressed notwithstanding, and for assurãce of all and singular couenants, graunts, and agreements on the behalfe of the said W. his executors and assignes well and truely in maner and forme before rehearsed, to be obserued and kept, the foresaid W. standeth bounden to the said R. H. in one obligation of C. li. bearing date the day of this Indenture. In witnesse &c.

A Graunt of a Stewardship during pleasure.

OMnibus &c. H. W. miles, Salutem, Sciatis quod ego &c. dedi &c dilecto mihi T. B. offic' seneschalli omnium dominiorum & maneriorum meorum in comitatu E. & H. ac ipsum T. seneschall' ominum dominiorum, et maneriorum meorum prędict' facio, ordino & constituo per præsentes: Habendum &c. offic' prædict' præfat̃ T. per se vel per sufficientem deputat̃ suum siue sufficientes deputatos suos a festo S Michaelis Archang' vltimo preterito, durante bene placito meo cum vad̃ & feod̃ xiij. solidorum et iiij. denariorum per annũ percipiend' annuatim prędict̃ T. de exitibus proficuis, et reuentionibus manerij mei de C. in comitatu E. prędict' per manus recept̃ mei ibid̃ pro tempore existeñ ad festa &c. Mandamus insuper vniuersis et singulis firmarijs, tenentibus & occupat̃ meis, & eorum cuilibet ibidem quod præf. T. et deputatis suis in hac parte de tempore in tempus assistentes sint, obedientes et auxiliantes in omnibus prout decet. In cuius &c. Sect. 344.

A Graunt of a Bailywicke

OMnibus &c. R. C. &c. Nouerit vniuersitas vestra me de fidelitate circumspectione et debito obsequio dilecti seruientis nostri C. A. mihi in posterum impend̃ plenius confidentem, feciſſe, ordinasse et per præsens script̃ meum constituisse ipsum G. ballium meum villę et manerij siue dominij nostri de R. in comit̃ H. ac collector̃, et receptorem, omnium et singulorum reddit̃, finiũ, amerciamẽ et extract' duarũ lætarum siue vis. franciplegiorum nostror̃ ibid' inde, et quorumcunque aliorum proficuorũ ratione earund' lætarum siue vis. francipleg' qualitercunque emergent̃ siue prouenient̃. Habend̃, tenend', exercend', et occupand̃ offic' prædict̃ eidem G. per seipsum quamdiu eidem G. erga Sect. 345.

me se bene gesserit, & fidele compotū de receptis & recepiend' nobis reddiderit, ac ea nobis soluerit et plenarie satisfecerit. Percipiend' de nobis pro vadijs suis annuis xl.s. ad festa &c. equis portionibus p manus meas proprias post compotū & plenariam solut cuiuslibet dimid' anni, ac dona, feod', regarda & emolumenta eidem officio debita & cōsueta, de receptis prędict' soluend', Mandans &c.

A graunt of the office of Custos rotulorum.

Sect. 364

REgina oībus &c. Salut. Cum per literas patentes dñi H.8. nuper regis Angliæ patris nostri p̄chariſſimi, gereñ dat apud W. 8. die I. ann regni sui 28. recitat existit: Quod cum idem nuper Rex de gratia sua speciali, ex certa scientia, & mero motu suis, necnon in consideratione boni & fidelis seruitij, qd' dilectus & fidelis tunc seruiens suus R.W. sibi ante tunc impendebat, & durant vita sua impendere intēdebat, dederit & concesserit per literas patentes prædict eid R.W. officium Contrarotuloris omnium & singulorum recognic' placitor, finium, amerciamentor, redemption, manucaptionū, recognic', irrotulament & exemplific', inquisic', breuium, process. customar & omniū aliorū quorumcunq; coram Iustic' dict nuper regis vel locū tenent suis, aut locum tenente suo in com C. & F. coram Camar eiusdem nuper regis C. & deputat vel locum tenen suo. Ac etiam coram Escaetor dicti nuper regis com C. & Escaetor suo com sui F. & deputat suo, ac etiam coram vic' p̄dict nuper Regis & deputat ei', siue subuic' dicti nuper regis de F. deputat suo. Necnon coram quibuscunq; alijs officiarijs, & ministr eiusd nuper Regis in Com pręd, aut per aliquem, & quoscunq; offic' & ministr suos infra eosdem com suos & vtrumq; eorundem, aut deputat vel vniuscuiuscunq; officiar præd recipiend, agend, faciend, & exequend tam indictis com & session in com prædict tenend, quam omnibus alijs terminis anni: Necnon omnium & singulor operum edification & reparac' dict nuper regis infra com prædict. Cumque etiam idem nup Rex H.8. per literas suas patentes prędict dederit & concesserit eidem R.W. plenam potestatem, authoritatem, ac mandatum suum speciale ad videndum legendum & examinand omnia & singula recorda, rotulos, breuia, retorn & muniment quecunq; coram officiar præd & quolibet eorum capt, fact, capiend, faciend, seu remañ toties quoties prædict R. W. aut eius deputat placuer: habend, tenend, & gaudend et exercend officium prædict per prędict R.W. aut per deputat suum vel per sufficient deputat suos pro termino vitæ eiusdē R.W cum vad et feodis eidem officio debit et consuet percipiend et persoluend

ſoluend annuatim de exitibus & reuentionibus dict' ꝓnu ꝑ regis ex dict' Comitat C. & F. & debit ꝑ manus aliquorum aliorum receptorũ, balliuorum, firmarior, præpoſitorum, tenentium vel occupatorum ſuorum com ſui C. aut F. prædict' pro tempore exiſten ad feſta &c. per equales portiones, vna cum omnibus alijs feod, proficuis, commoditatibus, aduãtagijs, libertat, & emolument quibuſcunque prædict' officio Contrarotulatoris debit & conſuet, in tam amplis modo & forma ꝓut W. B. defunctus de alta prodit attinct' aut attinctur prędict' in vita ſua habuit, aut deputatus ſuus, ſiue deputat ſui, vel aliquis alius aut aliqui alij pro officio prædict' exercend & occupand, habuit & percepit, habuerunt & perceperũt, prout per literas patentes præd' plenius liquet & apparet. Qui quidem R. adhuc ſuperſtes & in plena vita exiſtit, ac de officio ꝑdict' & cęter premiſſis ad ꝑſens ſeiſitus eſt in dominico ſuo vt de libero tenemento pro termino vitæ ſuę. Sciatis quod nos de fidelitate, induſtria, & diligentia dilect' ſubditi noſtri S. &c. quamplurimũ confidentes, de gratia noſtra ſpeciali, ac ex certa ſcientia & mero motu noſtris dedimus & conceſſimus, ac ꝓ nobis, hęred, & ſucceſſoribus noſtris per præſentes damus & concedimus eidem I. S. officium Contrarotulator noſtri, ac hæred & ſucceſſorum noſtror, & omniũ & ſingulorum recordorum, placitor, finium, amerciamentorũ, redemption, manucaptionum, recognition, irrotulament, exemplification, inquiſic', proceſſ. breuium, cuſtomar omnium alior quorumcunque corã Iuſtic' noſtris, ac hæred & ſucceſſorum noſtror C. & deputat vel locum tenen ſuo, ac etiam coram Eſchaetor noſtro, ac hæred & ſucceſſor noſtrorum com Ceſtr, & Eſcheator noſtro, ac hæred & ſucceſſorum noſtrorum com noſtri F. & deputat ſuo, ac etiam coram Vic' noſtro, ac hæred & ſucceſſor noſtrorum & deputat eius, ſiue ſubuic' com noſtri C. ac coram Vic' noſtro, ac hęred & ſucceſſor nrorũ com nri F. & deputat ſuo: Nec non corã quibuſcunque alijs Officiar & Miniſtr noſtris, ac hæred & ſucceſſor noſtror in com ꝑdict', aut ꝓ aliquem & quoſcunque officiar & miniſtr noſtros, ac hæred & ſucceſſorum noſtrorum infra eoſdem com noſtros et vtrunque eorund, aut deputat vel vnius cuiuſcũque officiar ꝑdict' recipiend, agend, faciend, et exequend tam in dicto comitatu et ſeſſion in com prædict' tenend, quam omnibus alijs temporibus anni: Necnon omnium et ſingulorum operum, ædificationum, et reparationum noſtrarum, ac hæred et ſucceſſorum noſtrorum infra comitat prædict'. Damus etiam pro nobis, hęred et ſucceſſor noſtris per ꝑſentes, ac ex certa ſcientia et mero motu noſtris concedimus ꝑfat I. S. plenam poteſtatem et authoritatem, ac mandatum noſtrum ſpeciale per præſent ad videndum, legend, & examinand, omnia & ſingula

records,

record', rotulos, breuia, retorñ, et munimenť quecunq; coram officiaŕ prædict', et quolibet eorum capť, factť aut capiend', fiend' seu remanenť, toties quoties dictť I.S. aut eius deputať melius vibebitur expedire. Ac etiam omnia et singla alia exercend' et agend' que ad officium contrarotulatorꝰ ptiñ, siue coſueŕ fuerint faciend'. Habend', tenend', occupand', gaudend', et exercend officium prædť prefť I.S. pſe, aut p deputať ſuũ, vel p ſufficienť deputť ſuos protermino vitæ eiuſdem I.S. vna cum omnibus vadť et feodť eidem officio debiť aut conſueť, aut pertiñ siue ſpectañ, percipiend et perſoluend annuatim de exitibus et reuentionibus com nrorꝰ C. et F. per manus receptorꝰ, balliuorꝰ, firmariorꝰ, ꝓpoſitorꝰ, tenentiũ vel occupatorꝰ noſtrorꝰ, ac hæredť vel ſucceſſorꝰ noſtrorꝰ prędť com nrorꝰ C. aut F. pro tempore exiſtenť, ad feſta &c. per æquales portiones, vna cum oibus alijs feodť, proficuis, cõmoditatibus, aduãtagijs, libertaŕ, iuribus, prærheminentijs, priuilegijs, et emolumenť quibuſcũq; dictť offic' contrarotulatoris debiť et conſueť, in tã amplis modo et forma, prout R. W. aut W.B. in vita ſua habueŕ, ſeu eorũ alter habuit, aut deputaŕ ſuus, ſiue deputaŕ ſui, vel aliquis alius, vel aliqui alij, in, et pro officio prędť exercend' et occupandť habuit et pcepiť, aut habueŕ et pceperŕ, ſeu habere aut percipeŕ debuit vel debueŕ vllo modo; Eo q; expreſſa mentio &c. aliquo ſtatuť &c. In cuius &c.

A Graunt of the Clerkeſhip of Peace.

Sect. 347

REx &c. omnibus ad quos &c. ſaluť. Sciatis &c. dilecto nobis T.D de &c. officium ſiue occupatioñ Clerici pacis, in com noſtro F. ac etiam officium ſiue occupatioñ Cleric' coronæ noſtræ omniũ et ſingulaŕ Seſſion pacis nr̃æ hęredť et ſucceſſorꝰ nrorꝰ coram Iuſtic' ad pacem in dicto com conſeruandť aſſignť: Necnon ad diuerſ. felonias, tranſgreſ. et alia malefacta in eodem com audiendť et determinandť aſsignaŕ, aut p nos, hæredť, aut ſucceſſorꝰ noſtros impoſteŕ in dicto com aſsignandť: Ac etiam coram quibuſcunq; Iuſtic' p ſpecialẽ commiſsioñ vel cõmiſsiones ſpeciales noſtras, hæredť & ſucceſſorꝰ noſtrorum ad gaolas in com ꝓdť aſsignaŕ et aſsignandť, et priſoñ in carceribus eiuſdť exiſtenť deliberandť de tempore in tempus. Et ipſum T.D. clericum pacis ac dictť coronæ noſtræ in dicto com per totum eundem com coram quibuſcũq; Iuſtic' noſtris, hęredť et ſucceſſorum noſtrorꝰ per preſentes facimus, conſtituimus, et ordinamus, ac deputamus: habendť, occupandť, et exercendť officia ſiue occpatioñ prędictť eidem T.D. vt cleŕ pacis et coronæ in com prædictť per ſe, vel per ſufficienť deputat ſuum, ſiue deputaŕ ſuos ſufficienť, pro termino vitæ eiuſdem T.D. Habendť, recipendť, et

perci-

percipiend, de, in, & pro officijs ſiue occupationib⁹ præd exercend, talia vadia, & feoda, emolumt, pficua & regard, qualia alij Cleric' pacis & Clerici Coron in alijs com regni nri Angl, pro officijs clerici pacis & Clerici Coronę, ſiue eorund alter exercend, habent aut habere debent ſeperatim, ſecundum vim, formam, & effectum cuiuſdam actus Parliament inter alia confect, ædit, & prouiſ. Et inſuper volun us & mandamus per preſentes, q̄ cuſtos Rotulor exiſten in com pd, durant vita eiuſd T. his literis nris viſis, aut per ipſum cuſtod ſiue cuſtod nros in hac parte conceſſione, donatione, ordinatione, & deputatione præd intellect incontinenter deliberent & tradent, ſeu tradi aut deliberari faciant pf. T. vel eius in hac pt deputat, ſiue deputat ſuis, oia & oimod record, memorand, & alia ſcripta, ad dict officiu ſiue occupation pertinent, ſiue qualitercunq ſpectan. Et hoc pref. Cuſtos ſiue cuſtod permittat ſiue permittant ipſum T. ad libitum ſuum ad nrum vſum, & intereſſe, & oia & ſingula habere, cuſtodire, retinere, & occupar, & officia ſiue occupationes pd, in com præd exercere & gaudere, cum feod, profic', & aduantag', in tam amplis modo & forma, ſicut aliquis alius Clericus pacis aut coron, ſiue aliqui alij cleric' pacis & coron in alijs com regni nri Angl temporib⁹ retroactis ab antiquo habuit & pcepit, habuer & percepер, abſq; alia contradictione pturbatione, ſeu grauamine inde quoquo modo fiend. Prouiſo ſemper quod idē T, virtute iſtar literar patent, aliter quam pro cuſtod offic' ſeu occupat ſuor præd nullatenus oneret ſeu grauet, p nos aut hered nros, abſque aliquo compoto, aut aliquo alio pro officijs ſiue occupationit us pd nobis aut hæred nris ſoluend aut faciend: Et abſque fine ſeu feod ad vſum nrum pro præmiſſis, ſeu aliquo præmiſſor reddend, ſoluend aut faciend: Eo quod expreſſa mentio &c. In cuius rei &c. T. R. apud Weſtm x. die Martij ann regni H. 8. nuper Regis Ang' 23. per breue de priuato Sigillo &c. anno ſupradict.

A Grant of an office of a Scribe or Regiſter.

VV. Permiſſ. diuina L. Epiſc', dilecto nobis in Chriſto W. ſalut & benedictionem: ob liter ſcientiam & morū honeſtatē quibus apud nos fide dignor teſtimonio penſantes inducimur, vt te fauore beneuolo proſequamur: Offic' igit Scribę & Regiſtarij commiſſariatus ſiue ſequeſtratoris nri generalis totius nri Archidiaconat⁹ N. cū oīb⁹ cōmoditatibus, iuribus, feodis, proficuis, & emolumtis quibuſcunq; tam de iure quā de conſuetudine Scribę ſiue Regiſtrar hmdi offic' qualitercunq; ſpectant & pertiñ, ſiue debit & debend, tibi damus Sect. 348

&

& concedimus per præsentes. Et te actorum scribam hmodi officij, ac Regiſtri eiusdem custod tenore prẽsentium præficimus & deputamus, per te, seu deputat tuum idoneum quem adiunxeris: occupand, tenẽd & habend, &c. Datum sub sigill nostr quod in promptu iam ad manus habemus, xij. die mensis Nouemb. ann Dom &c.

A Grant of the office of a Surueyorship.

Sect. 376

REgina omnibus ad quos &c. Salutem. Sciatis quod nos de fidelitate, industria, & prouida circumspectione dilecti nobis I. T. gen, plurimum confident de gracia &c. præf. I. T. officium particular superuisor terr & tent omnũ & singulorum honor, castrorum, dominiorum, manerior, terr, reddit, seruic, ac omnium aliorum possessionum & hæredit nr, hæred, & successor nostror quorũcunq in com nro C. ac in omnibus villis & locis quibuscunq tam infra libertates quã extra, infra præcinct, limit, & circuit eiusdem com, in superuis. ord, & gubern cur Scaccarij nri modo existen, seu imposterum quoquo modo existere cõtingen: Et quæ nuper fuerint in superuis. ordine, & gubernac nup Cur Augment reuention Coron Angl, adeo plene, libere, & integre, ac in tam amplis modo & forma, prout I. S. siue aliquis particular superuisor terr prędict in dicto com C. per nomen vnius particular superuisor terr nuper Cur augmentacion & reuencion Coron Reginæ habuit, tenuit, vel gauisus fuit, seu habere, tenere, vel gaudẽ debuit, ac ipsum T. particular superuis. terr & tenement pd honorum, castrorum, dominiorum, manerior um, terr, tenement, reddit, & seruic, ac aliorum posses. & hæreditament prædict' facimus, ordinamus, & constituimus p prẽsentes. Habend, tenend, gaudend, & exercend officium prædict' præfat I. T. per se, vel per sufficient deputat suum, siue deputat suos suffic' durante bene placito nostro, vna cum omnibus profieuis eidem officio quoquo modo spectan & ptinen seu incumben. Et vlterius de ampliori gratia nostra dedimus & concessimus, & p prẽsentes damus & concedimus eidem I. T. pro exerc' & occupac' officij prędd, quandam annuitatem siue annuat feod &c. per annum, Ac tot ac tantas denar summas pro expensis suis, dum idem I. vel deputat suus in equitand, vel aliter circa negotia officium prędd tangen, de tempore in tempus fuerint occupat, quot & quant per discretionem T. C. S. & B. baron Scaccarij nostri prędd videbunt esse necessar & sufficien. Habend, & annuatim percipiend, tam eandem annuitatem siue feod &c. quam dictas denarior summas pro expensis suis circa officium prædd vt pfertur exponẽd præf. I. &c.

Grants

Grants of offices of Chamberlain of the Eſchequer, Iuſtice in Eyre, Steward, Keeper of Caſtles, Maſter of the game &c.

PHilippus & Maria dei gratia Rex & Regina Angl' &c. Omnibus ad quos præſentes liter̃ peruenerint ſalutem. Cum præclariſſimus pater noſter præf. Regiñ, per lr̃as ſuas patentes ſub magno ſigillo ſuo Angl' confect', gerem̃ dat̃ apud &c. dederit & conceſſerit dilecto conſanguineo ſuo G. Comiti S. iam defunct', ac prædicto & fideli conſanguineo & conſiliario noſtr̃ F. Comiti S. ordinis noſtri Garter̃ Militi, per nomen F. T. filij & hæred̃ apparentis prędict' G. officia Conſtabular̃ & Ianitoris caſtrorum ſuor̃ de R. & W. ac officium Seneſchalli dn̄ij & manerij de R. dn̄ij & manerij de M. dn̄ij & manerij de W. Necnon officium Magiſtr̃ de duct̃ ferar̃ parci dicti patris noſtri de O. Ac etiam officium Magiſtri de duct̃ ferar̃ in chacea de M. in Marchia Walliæ. Quæ quidem dominia, mañia, ac cætera præmiſſa adtunc fuer̃ parcell' com̃ dict̃ patris noſtr̃ March'. Habend̃, occupand̃, & exercend̃ omnia & ſingula prędict' officia prędict̃ Comit̃ & F. per ſe, vel per ſufficient̃ deputat̃, ſeu ſufficient̃ deputatos ſuos, durante vita ipſorum Comitis & F. & alterius eorum diutius viuentis: Percipiend̃ in & pro officijs illis exercend̃, vad̃, feod̃, profic', & commoditates eiſdem officijs, et eorum cuilibet debit̃ & conſuet̃, in tam amplis modo & forma, ꝓut aliquis alius, vel aliqui alij, in, & ꝓ eiſdem officijs, ſeu eorum aliquo habuit & percepit, aut habuer̃ vel percepер̃ ad feſta &c. æquis porcionibus, per manus receptor̃ Com̃ March' pro tempore exiſten̄, ꝓut per eaſdem literas patentes inter alia plenius liquet & apparet. Et cum p̄dict' pater noſter p̄dict̃ Reginę, per alias literas ſuas patentes ſub magno ſigillo ſuo Angl' confect', gerem̃ dat̃ &c. dederit & cõceſſerit pref. G. Comit̃ Salop̃, & prędilecto & fideli conſanguineo & conciliar̃ noſtro F. Comit̃ Salop̃, per nomen F. T. armig' dn̄i T. filij ſen̄ dicti G. officium vnius Cameriorum de recept̃ Scaccarij dicti patris noſtri, ſiue officium vnius Cameriorũ de Scaccario eiuſd̃ patris noſtri, illud quod E. D. adtunc defunct' nuper habuit & occupauit. Habend̃, tenend̃, gaudend̃, & occupand̃ officium p̄dict', vna cum conſtitutione & ordinatione vnius hoſtiariorum de recept̃ p̄dict̃ cum accideret, & cum conſtitutionibus & ordinationibus omnium aliorum officiariorum & miniſtrorũ eidem officio vnius Camerarior̃ qualitercunque ptinen̄ ſiue ſpectan̄ eiſdem Comiti & F. & eorũ alteri diutius viuenti, p ſe, vel p ſufficient̃ deputatum ſuum, ſiue deputat̃ ſuos ſufficient̃, pro termino vitæ eorum, & eorum alterius diutius viuentis. Ac cum omnibus iuribus, emolumentis, robis, veſtur̃, & cæteris commoditatibus, aduantagijs, & pertinen̄ quibuſcunque eid' officio quoquo Sect. 350

modo

modo debit & consuet sive pertinen: Percipiend in et pro officio illo, talia vad, feod, et regard, eisdem modo & forma, prout aliquis alius in eod officio ante hæc habuit et percepit, absque aliquo computo, seu aliquo alio dño patri nostro seu hæred suis inde reddend, solvend, seu faciend, prout per easdem lras patentes inter alia plenius liquet et apparet. Cumque etiam præclarissimus frater noster præfat Reginæ Edwardus sextus nuper Rex Anglię, per literas suas patentes sub magno sigillo suo Angl confect', gerен dat apud Westm &c. dederit et concesserit dicto prædilecto et fideli conciliario suo consanguineo nostro F. Comit Salop, officium Gardiani et capitalis Justic, ac Justic' sui Itinerantis, omnium et singularum forestar, parcorum, chacearum, et warrennarum suarum, cum suis pertinen quibuscunque vltra Trentam existentium, quæ dicto fratri nostro prefat Regin in iure Coronæ suæ, aut ratione alicuius attinctur, eschaet, forisfact', perquisitionis, excambij, seu quocunque alio modo pertinebant aut spectabant, seu adtunc imposterum ad manus dict' fratris nostri præf. Regin, hæred aut successorum suorum devenire contigerint: Dantes et concedentes eidem Comiti plenam auctoritatem et potestatem tenore dictarum literarum patentium, ac omnia et omnimoda placita, quærelas, et causas forestarum, parcorum, chacearum, warennarum prędict', tam de viridi grani, quam de venatione, ac de alijs causis quibuscunque infra easd' forestas, parcos, chaceas, et warrennas, eucnien sive emergen, audiend et determinand. Cumque etiam predict' frater noster p easdem lras patentes dederit et concesserit eidem Comiti officium Custod et Magistri de duct omniu et singular ferarú suar infra easdē forestas, parcos, chaceas, et warennas, et eorum quemlibet seu quamlibet adtunc existen, et imposterú existend. Cumque vlterius prædict frater noster p easdē lras patentes dederit et concesserit pfat Comiti, omnia et singula easdem feod, regard, proficua, reusiones, aduantagia, commoditat, et emolumenta quæcunque pd officijs, et eorum cuilibet quoquo modo ptin sive spectan, habit, vsitat, debit, incident, sive cōsuet, in tam amplis modo et form &c. prout A. B. adtunc defunct, aut aliquis ali, ea sive ear aliq' antea habuit, p-cepit, seu gauisus fuit, sive aliqui alij, ea seu eor aliq; antea habuer, p-ceperunt, seu gauisi fuerunt. Quę quidē officia ac cętera pmissa in dict lris patent geron dat dicto &c. express. cum suis ptin, adtunc post mortem naturalem pdicti A. B. in manibus et dispositione dicti fratris nri extiterunt, et existere deberent. Habend, occupand, gaudend, et exercend officia præd, et eorum quodlibet, ac omnia et singula cætera præmiss. cum suis ptin præf. Comit, per se, vel per sufficient deputat

suum,

ſuum, ſive deputat̃ ſuos ſufficient̃ durant̃ vit̃ ipſius Comitis, Cumque in ſuper præd̃ frater noſtr̃ per eaſdem literas patentes dederit & conceſſerit eidem Comiti, pro exercitio & occupatiõe offic' præd̃ gardiani & Iuſticiar̃ dicti fratris noſtri Itinerant̃ antedict', & cæter̃ præmiſſorum quandam annuitatem ſive annualem reddit̃ centũ librar̃ ſterling'. Habend', tenend', gaudend', & annuatim percipiend' prædict' annuitatem ſive annualem reddit̃ præf. Comiti durant̃ vita ſua, de Theſ. dicti fratris noſtri, hæred̃ & ſucceſſor̃ ſuorũ per manus Theſaur̃ cameræ ſuę hered̃ et ſucceſſorũ ſuorũ pro tempore exiſtent̃, aut per manus huiuſmodi perſonę ſeu aliar̃ perſonar̃, cui vel quibus dict' frater noſter hæred̃ et ſucceſſor̃ ſui officium Theſ. prædict', per nomen Theſ. aut per aliud quodcunque nomen illud dare et concedere voluerit, aut aliquis hæred̃ vel ſucceſſorũ dicti fratris noſtri dare et concedere voluerit, ad feſta Sancti Michaelis archangeli, et Annunciationis beatę Mariæ virginis, per equales portiones annuatim ſoluend' vit̃ cum omnibus prædict' alijs vadijs, feodis, regard', proficuis, commoditatibus, aduantagijs, et emolumẽtis prędict' officio, et eorũ cuilibet pertinẽt̃, ſpectant̃, debit̃, incident̃, ſive conſuet̃, in tam amplis mod̃ & forma, prout prædict' A. B. aut aliquis ali' ſive aliquĩ alij officiũ prædict', ſeu eorũ aliquod vel aliqua habens ſive occupans, habentes ſive occupantes, habuit aut percepit, habuerunt aut percepẽr. Habẽd', occupand', gaudend', et exercend' officia prędict' et eorũ quodlibet, ac omnia et ſingula cętera præmiſſa cum ſuis pertinẽt̃ præf. Comiti, per ſe, vel per ſufficient̃ deputat̃ ſuũ pro eiſd' et eorũ quolibet abſq; compoto, ſeu aliquo alio inde dicto fratri noſtro, hered̃ vel ſucceſſor̃ ſuis pro præmiſſis, ſeu aliquo præmiſſor̃ dand', reddend', ſoluend', vel facend'. Cũque etiam prędict' frater noſter per eaſdem literas patent̃ dederit, & conceſſerit pro ſe hered̃ et ſucceſſor̃ ſuis eid' Comiti, plenam poteſtatẽ & authoritatem faciend', nominand', conſtituend', deputand', & aſſignand', de tempore in temp' durant̃ vita ſua, omnes & ſingulos Subſeneſchallos, officiar̃, ac clericos cur' Swannimotor̃, ac omnes allos clericos & miniſtros in quibuſcũq; itinerib', ſeu cur' dict' fratris nr̃i de ſtatu ferar̃, patcor̃, chaceorũ, & warrenar̃ prædict', et eorũ ſeu earũ cuilibet, retinend', occupand', et exercend', et eos et eorũ quẽlibet iuxt̃ diſcretionẽ eiuſd̃ Comitis amouend' & expellend', alioſq; in ſua vice vel in ſuis vicib' de tempor̃ in tempus locand', conſtituend' et ponẽd'. Cumq; etiam prędict' frater noſter voluerit & conceſſerit qd' virtute dictar̃ literar̃ patẽ, omnes hũdi Subſeneſch. clerici, officiarij & Magiſtr̃, & eorum quilibet de tempore in tempus, haberet, percipẽret, et gauderet, haberent, perciperent, & gauderint, vadijs, feod', proficuis,

regardis, & aduantagijs eis & eor̃ cuilibet, pro exercitio ſiue occupatione officiorum ſuor̃, vel eorum alterius ab antiquo ſoluť, debiť & conſueť. Cumq; viterius pred̃ frater noſter per eaſdem literas patentes, dederit & conceſſerit pro ſe, hæred̃ & ſucceſſoribus ſuis præf. Comiti, plenam & legitimam poteſtatem & authoritatem, quod ipſe per totam vitam ſuam pro certis finibus ſecum finiend̃, & ad opus dicti fratri nr̃i leuand̃, licite valeret & potuiſſet de tempor̃ in tempus cuicunque & quibuſcunque ſubditis dicti fratris noſtri licentiam dare ſpecialem, quod ipſe & eorum cuilibet licit̃ facere valerent et valeret quaſcunque copicias, omnimod' arbor̃ boſcorum, & ſubboſcorum dicti fratris noſtr̃ infra pred̃ foreſtas, parcos, chaceas, & warrennas, aut eor̃ aliquid creſceñ. Necnon dict' arbores, boſcos, & ſubboſcos in huiuſmodi copicijs creſceñ ſuccidere, proſternere, & abinde cariare facere de tempore in tempus: Ita tamen quod ſuccitiones, proſtrationi, & abcariationes inde fierent temporibus anni congruis et oportunis, & non in menſibus vetitis, nec in exilium ferar̃ dicti fratris noſtri ibidem moram facere & manere conſueť. Ac quod copiciæ huiuſmodi concluderent̃, prout mos eſt ſecund' aſſiſ. Foreſtæ dicti fratris noſtri & menſur̃ in eadem vſitar̃. Cumque etiam dictus frater noſter per eaſdem literas patentes conceſſerit eidem Comiti, quod dictæ licentiæ p eundem Comitem, modo & forma pred' adtunc impoſterum cuicunque aut quibuſcunque ſubditis dicti fratris noſtri concedend̃ eſſent adeo efficaces & validæ in lege & tanti vigoris, prout ſi conceſſ. fuiſſent per dictum fratrem noſtrum hæred' aut ſucceſſ. ſuos, ſub magno ſigillo Angliæ extr̃ Cancellar̃ ſuam, prout p eaſdem literas patentes inter alia plenius liquet & apparet. Qui quidem G. nuper Comes iam defunctus exiſtit vt accepimus, quodque pred̃ F. nuper Comes S. modo habet & tenet ſibi & aſſigñ ſuis, omnia & ſingula officia pred̃, ex donis & conceſſionibus predict' patris & fratris noſtror̃, dict' dñæ Reginæ in forma præd̃ fact' & conceſſ. Sciatis quod nos prædicti Rex & Regina, in conſideratione boni veri fidelis & acceptabilis ſeruitij quod prædilectus & fidelis ſeruiens noſter G. T. Miles, dñs T. filius & hæres apparens prædicti conſiliarij & conſang' noſtri F. Comitis Saloñ nobis ante hæc multipliciter impendit, & quod indies impendere intendit, de gratia noſtra ſpeciali, ac ex certa ſcientia, & mero motu noſtris dedimus & conceſſimus, ac per p̃ſentes pro nobis, hæred̃, & ſucceſſoribus noſtris damus & concedimus præf. G. T. Militi, dño T. dict' officia Conſtabular̃ & Ianitoris prædictor̃ caſtror̃ noſtror̃ de Rad. & Wig. ac dictum officium Senaſchall' dicti dñij & manerij de R. ac dominij & manerij de W. dñij & manerij de M. dominij

&

& manerij de E. dominij & manerij de R. dominij & manerij de C. T. dominij & manerij de P. dominij & manerij de N. dominij & manerij de G. dominij & manerij de K. ac dictum officium cuſtod parci de W. ac officium cuſtod eiuſdem parci. Necnon dicti Magiſtri de duct' ferarum dicti parci noſtri de O. Ac ipſum G. T. Milit dominum T. Conſtabular & Ianitorem prædict caſtrorum noſtr de R. & W. ac Seneſchallum dictorum dominiorũ manerior & parcor prædict' vltim ſpecificat, & eorum cuiuſlibet facimus, ordinamus, & conſtituimus p præſentes. Habendum, gaudend, occupand, & exercend, omnia & ſingula prędicta officia Conſtabular & Ianitoris prædict caſtrorum noſtrorum, ac Seneſchallum dictorum dominiorũ, manerior, & parcorum prædict' vltime ſpecificat, & eorum cuiuſlibet præfat G. T. Militi domino T. per ſe, vel per ſufficient deputatum ſuum, ſiue deputat ſuos ſufficientes, immediate poſt mortem dicti prædilecti conſiliarij & conſanguinei noſtri F. Comitis S. poſt intereſſe eiuſdem Comitis, de, & in eidem officijs prædict vltim recitatis complet & expirat. Et quã cito dict' officia, vel eorum aliquod per ſurſum redditionem, foriſfactur, aut aliquo alio modo primo & proxim vacari contigerit, p term vitæ dicti G. T. Milit domin T. Percipiend annuatim, in, & pro exercitio & occupation dicti officij vltim ſpecificat ſeperal vadia, feoda, proficua, regard, commoditates, & aduantag' eiſdem officijs, ſeu eorum alicui debit & conſuet, aut quouiſmodo ſpectan ſiue pertinen, in tam amplis modo & forma, prout prædict F. modo Comes Salop, aut aliquis alius, ſiue aliqui alij, in, & pro eidem officijs, ſeu eorum aliquo habuit aut percepit, aut habuerunt & perceperunt, ad feſta P. & ſancti Michael archangel, equis portionibus annuatim per manus Receptor comit noſtri March. pro tempore exiſten ſoluend. Ac etiam ex gratia noſtra ſpeciali, ac pro nobis, hæred, & ſucceſſoribus noſtris prædict Reginæ, damus & concedimus præfat G. T. Militi domino T. prędict offic' vnius Camerariorum Receptorum Scaccar noſtri, ſiue officium Camerariorum de ſcaccario noſtr illud quod pd' conſiliarius noſtr F. Comes Salop modo habet, & occupat, vna cũ conſtitutione & ordinatione vni' hoſtiar recept prædict' cum acciderit, & cum conſtitutionibus & ordinationibus omnium aliorum officiariorũ & miniſtrorum eidem officio vnius Camer qualitercunque ſpectan ſiue pertinen. Ac ipſum G. T. Milit dominum T. vnum Camerar de receptis noſtr prædict, ſeu vnum Camerar de Scaccario noſtro, facimus, ordinamus, & conſtituimus per præſentes. Habend', gaudend', tenend, & occupand' officium prædict' vnius Camerar de recept ſcaccarij noſtri prędict, vna cum conſtitut & ordinationibus vnius noñ-

riorum recept prædict: Ac cum ordinationibus & nominationibus omnium aliorum officiariorum & ministrorum eidem officio qualitercunque spectañ siue pertiñ prefat G.T. Militi domino T. per se, vel per sufficient deputatum suum, siue deputañ suos sufficientes immediat post mortem dicti prædilecti consiliarij & consanguinei nostri F. Comitis S. vel post interesse eiusdem Comitis, de, & in eodem officio complet & expirañ vel quam cito dictum officium per sursum reditionem, forisfacturam, aut aliquo alio modo primo & proxim vacari contigerit, pro termino vitæ suæ dicti G.T. Milit dom T. vna cum omnibus iuribus, commoditatibus, emolumentis, & proficuis, & ceteris p-tinent quibuscunq eidem officio quoquo modo spectañ siue pertinentibus debit siue consuet. Habend, & percipiend annuatim, in, & pro exercitio & occupatione dicti officij omnia talia feoda & regard eidem officio quoquo modo incident, spectañ siue pertineñ, in tam amplis modo & forma, prout consanguineus & consiliarius noster F. Comes S. aut aliquis alius, siue aliqui alij, in, et pro eodem officio ante hæc tempora habuerunt & perceperunt, habuit aut percepit, absque aliquo compoto, seu aliquo alio nobis, hæred, aut successoribus nostris prædict' Reginæ reddend vel faciend. Ac insuper noueritis nos pro consideratione prædict' de gratia nostra speciali, ac ex certa scientia et mero motu nostris dedimus et cõcessimus, ac per præsentes pro nobis, hæred, & successoribus nostris præfat Reginę damus et concedimus præfat G.T. Milit domino T. officium gardiani capitalis Iusticiar ac Iustic' nostri itinerantis omnium & singulorum forestarum, parcorũ, chacearum, & warrennarum nostrarum, cum suis pertinentijs quibuscunque vltra Trentam existeñ, quæ nobis & in iure Curiæ nostræ, aut ratione alicuius attinctur, escheat, forisfacture, perquisitionis, excambij, seu quocunque alio modo pertineñ aut spectañ, seu imposterum ad manus nostras hæred aut successorum nostrorum dictæ reginæ deuenire contigerint siue contigerit. Ac ipsum G.T. Milit dominum T. gardianum & capitalem Iusticiar nostrum itinerant, omnium & singulorum forestarum, parcorum, chacearum, & warrennarum nostrarum prædictarum vltra Trentam prædictam existeñ facimus, ordinamus & constituimus per præsentes: dantes & concedentes eidem G T. Militi domino T. plenam potestatem & authoritatem tenore præsentium, ad omnia & omnimod placita, querelas, & causas forestarum, parcorum, chacearum, & warrennarum predict', tam de viridi gratior, quam de venatione, ac de alijs causis quibuscunque infra easdem forestas, parcos, chaceas, & warrennas nostras euenient siue emergeñ, audiendũ & determinand. Damus etiam ac per præsentes

pro conſideratione prædicta, pro nobis, hæredib', & ſucceſſoribus noſtris præfatæ Reginæ, concedimus præfato G.T. Militi domino T. præfat' offic' cuſtod & Magiſtri de duct' omnium et ſingulaꝝ ferarꝝ noſtrarum infra predict' foreſt', parcos, chaceas, & warrennas vltra Trentam prædictam, et in eorum quemlibet & quamlibet exiſtenꝫ, et impoſterum exiſtendꝫ. Ac ipſum G. T. Militem dominum T. cuſtodꝫ & Magiſtrum de ducꝫ omnium & ſingularum ferarum noſtrarum infra eaſdem foreſtas, parcos, chaceos, & warrennas, & infra eorum quemlibet ſeu quamlibet, exiſtenꝫ & impoſterum exiſtendꝫ facimus, ordinamus, & conſtituimus per præſentes: Habendũ, gaudendꝫ, exercendꝫ, & occupandꝫ prædictum officium gardiani & capitalis Iuſticiaꝝ itineranꝫ omnium et ſingulorum foreſtarum, parcorum, chacearum, & warrennarum prędictarum vltra Trentam prędictam. Necnon prædictꝫ officium cuſtodꝫ et Magiſtri de ducꝫ omnium et ſingularum ferarum noſtrarum infra eaſdem foreſtas, parcos, chaceas, et warrennas prędictas, et eorum quodlibet, cum omnibus iuribus, proficuis, commoditatib', et aduantagijs quibuſcunque eiſdem officijs et corũ vtrique, vel alicui, modo ſpectañ, pertinenꝫ, incidenꝫ, vel incumbenꝫ, immediate poſt mortem dicti prędilecti Conſiliarij et conſanguinei noſtri F. comit S. aut poſt intereſſe eiuſdem comitꝫ, de, et in eiſdem officijs vltiꝰ recitaꝝ, compleꝫ, et expiraꝝ, vel quã cito eadẽ prædictꝫ ſeperalia officia vltime ſpecificaꝝ, vel eorum aliquod vel aliqua, per ſurſum redditionem vel foriffacꝫ ſeu quocunque alio modo primo et proximꝰ vacari contigerint vel contigerit præfato G. M. Militi domino T. per ſe, vel per ſufficientem deputaꝝ ſuum, ſiue deputaꝝ ſuos ſufficienꝫ, ad terminum & pro termino vitæ naturalis ipſius G. T. Militis domini T. Et vlterius ſciatis quod nos de ampliori gratia, ac ex certa ſcientia & mero motu noſtris dedimus & conceſſimus, ac per præſentes pro nobis, hęredib', & ſucceſſoribus noſtris præfatꝝ Reginæ, damus et concedimus prędicto G. T. Militi domino T. pro exercitio & occupatione dictorum officiorum gardiani & capitalis Iuſtic' noſtri Itineranꝫ omnium & ſingulorum prædictorũ foreſtarum, parcorum, chacearum, & warrennarum vltra Trentam prædictam, Ac officij cuſtodꝫ & Magiſtri de ducꝫ ferarum noſtraꝝ infra eaſdem foreſtas, parcos, chaceos, & warrennas, ac cęterorũ præmiſſorum vltra Trentam p̃dictam, quandam annuitatem ſiue annualem redditum centum libraꝝ, legaꝝ monetꝫ Angl' &c. Habendꝫ, tenendꝫ, & gaudendꝫ eandem annuitatem ſiue annualem redditum prędicto G. T. Militi domino T. durante vita ſua, de Theſaurario noſtro, hæredꝫ & ſucceſſorum noſtrorum præfatæ Reginæ, per manus Theſaurarij Cameræ noſtręꝫ, hęredꝫ & ſucceſſorum noſtrorum

præfat Reginæ pro tempore existen, aut per manus custod Thesauri nostri, hæred, aut successorum nostrorum, aut per manus huiusmodi person, siue illarum personarum, cui vel quibus nos, hæred, aut successores nostri præfat Reginæ officium Thesaurij prædict per nomen Thesaurij, aut per aliud quodcunque nomen illud dare & concedere volumus, aut aliquis hæred vel successorum nostrorum dare & concedere voluerit, ad festa Sancti Michael Archang. & Annunc beatæ Mariæ Virginis, per equales porciones annuatim soluend: primo termino solutionis inde incipient ad tale festum festorum prædictor quod primo acciderit post mortem dicti C.S. aut post sursum reddicionem, vel forisfacturam officiorum suorū predict vltime specificat, vna cum omnibus alijs feodis, vadis, regard, proficuis, commoditatibus, aduantagijs, & emolumentis eisdem officijs, & eorū cuilibet pertinentibus, spectan, debit, incident, siue consuet, in tam amplis modo & forma, prout A. B. aut aliquis alius, siue aliqui alij eadem officia, seu eorum aliquod vel aliqua habens siue occupans, habentes siue occupantes habuit aut percepit, habuerunt aut perceperunt pro eisdem & eorum quolibet, absque compoto, seu aliquo alio inde nobis, hæred seu successoribus nostris, dand, reddend, soluend, seu faciend. Et vlterius, damus & concedimus pro nobis, hæred, & successoribus nostris præfat Reginæ per presentes præfato G. T. Militi domino T. plenam potestatem & authoritatem faciend, nominand, constituend, deputand, & assignand, de tempore in tempus durante vita sua, omnes & singulos Subsenescliallos, Officiarios, ac Clericos cur Swanimotorum attachiament, ac omnes alios Clericos & ministros in quibuscunque itineribus seu cur nostris de statu foratum, parcorum, chaceariū, & warrennarum prediet & eorum & earum cuilibet, tenend occupand, & exercend, & eorum quemlibet, iuxta discretionem, eiusdem G. T. Militis domini T. amouend & expellend, alioque in sua vice, vel in suis vicibus de tempore in tempus locand, constituend, & ponend. Volumus etiam & concedimus, quod virtute harum literarum nostrarum, patentium, omnes huiusmodi Subsenesclialli, Clerici, Officiarij, & Magistri, & eorum quilibet de tempore in tempus, habeat, percipiat, & gaudeat, habeant, percipiant, & gaudeant vadijs, feodis, proficuis, regardis, & aduantagijs eis, & eorum cuilibet, pro exercitio siue, occupatione officiorum suorum, vel eorum alicuius ab antiquo solut & consuet. Ac etiam sciatis quod nos de vberiori gratia nostra dedimus & concessimus ac per presentes pro nobis, hæred & successoribus nostris præfat Reginæ, damus & concedimus prefato G. T. Militi domino T. plenam & legitimam potestatem & auctho-

auctoritatem, ꝙ ipſe per totam vitam ſuam pro certis finibus ſecū fiend̄, & ad opus noſtrū leuand̄, licite valeat et poſſit de tempor̄ in tempus cuicunque et quibuſcunque ſubditis noſtris licentiam dare ſpecialem, quod ipſi & eorum quilibet licite facere valeant & valeat quaſcunque copicias, omnimod̄ arbor̄, boſcor̄, & ſubboſcor̄ noſtror̄ infra p̄dict̄ foreſtas, parcos, chaceas, & warrennas, aut infra eor̄ aliquod creſcent̄: Necnon dict̄ arbores, boſcos, & ſubboſcos, in huiuſmodi copicijs creſcent̄ ſuocidere, proſternere, & abinde cariari facere de tempore in tempus. Ita tamē quod ſucciſiones, proſtrationes, & abcariationes inde fiant temporibus anni congruis & opportunis, & non in menſibus vetitis, nec in excilium ferarum noſtrarū ibidem moram facere, et manere conſuet̄: Ad quod copiciæ huiuſmodi concludant̄, prout mos eſt ſecund̄ Aſſiſam Foreſtæ noſtræ et menſur̄ in eadem vſitat̄. Conceſſimus etiam per pręſentes eidem G. T. Militi domino T. quod dictæ licentiæ per eundem G. T. Militem dominum T. modo & form̄ p̄dict̄ impoſterum cuicunque aut quibuſcunque ſubditis noſtris concedend̄, ſint adeo efficaces & validæ in lege, & tanti vigoris, prout ſi conceſſæ eſſent per nos, hęred̄ et ſucceſſores noſtros ſub magn̄ ſigillo Anglię extra Cancellar̄ noſtram. Pręcipimus etiam et damus per præſentes, vniuerſis & ſingulis Archiepiſcopis, Epiſcopis, Ducibus, Comitibus, Baronibus, Iuſticiar̄, Militibus, Vicecomitibus, Foreſtarijs, Viridarijs, Regardatoribus, Agiſtator̄, Woodward̄, et omnibus alijs Officiarijs et fidelibus noſtris, tam infra libertates quam extra, tenore p̄ſentium firmiter in mandatis, quod eidem G. T. Milit̄ domino T. aut deputato ſiue deputatis, ſuis in omnibus et ſingulis præmiſſis faciend̄ et exequend̄ attendentes, aſſiſtentes, conſulentes, et auxiliantes ſint in omnibus prout decet. Eo quod expreſſa mentio de vero valore annuo, aut de certitudine præmiſſorum ſiue eor̄ alicui⁹, aut de alijs donis ſiue conceſſionibus per nos, vel per aliquem progenitor̄ dict̄ę reginę præfat̄ G. T. Militi domin̄ T. ante hæc tempora fact̄ in præſentibus minim̄ fact̄ exiſtit, aut aliquo ſtat̄, actu, ordinatione, prouiſione, ſiue reſtrictione inde in contrarium fact̄, edit̄, ordinat̄, ſiue prouiſis, aut aliqua alia re, cauſa, vel materia quacunque in aliquo non obſtante. In cuius rei teſtimonium has literas noſtras fieri fecimus patentes. Teſtibus nobis ipſis apud Weſtmonaſterium, &c.

A graunt of the Earle Mashals office and honour, with an annuitie.

Sect. 351. ELizabeth Dei gratia Angliæ &c. Omnibus ad quos præsentes literę preuenerint, salutem. Inspeximus irrotulamentum quarundã literarum patentium, geren dat apud Westmonasterium secundo die Iauarij, anno regni nri xv. pręchariſſimo consanguineo & Conciliar nostro G. Comiti Salopię fact', et in rotulis Cancellar nostr irrotulat', in quo continetur vt sequiter. Regina omnibus ad quos &c. Sciatis quos nos bona laudibil & acceptabilia seruitia & obsequia qnæ præchariſſimus consanguineus & Conciliar nostr G. Comes S. nobis ante hæc tempore multipliciter & diuersimodo impendit, indiesque impendere non desistit intimo merito contemplantes, de gratia nostra speciali, et ex certa scientia & mero motu nostris dedimus & concessimus, ac per præsentes pro nobis, hered, et successoribus nostris damus & concedimus eidem Comiti S. officium Comit Marischall Angliæ: Ac ipsum Comitem Salop Comitem Marischall Angl, creamus, ordinamus, & constituimus per præsentes, Et ei nomen, stylum, titulum, statum, authuritatem, & honorem Comitis Marischall Angl, vna cum omnibus & singulis suis officijs commoditatibus, emolumen, præheminen, nominationibus, officijs & alijs suis pertinentijs quibuscunque, tam in curijs nostris quam alibi, eidem officio Comitat Marischall Anglię qualitercunque spectan, siue de iure ab antiquo pertinen, per præsentes damus & concedimus: Ac in eodem officio, ac ceteris premissis eidem officio (vt premittitur) pertinen ipsum Comitem Salop ipueſtimus et corroboramus, in tam amplis modo, potestate, et authoritate, prout I. Dux. Norff. nuper de alta proditione attinct', per quam attinctur predictum officium & dispositio eiusdem ad manus nostras deuenit, & in manibus nostris iam existit: Ac in tam amplis, modo, potestate, & authoritate, prout Dux. T. Norff. dum vixit, aius dict nuper Ducis, aut E. nuper Dux Somers. aut I. M. quondam Dux Morff. vel aliquis alius Comes Marischallus Anglię ante hæc tempora officium illud habens siue excercens, habuit siue exercuit. Habend, tenend, exercend, et occpandum prædictum officium, ac omnia et singula authorita, iurisdictiones, commoditates, et cætera præmissa quecunque eidem officio qualitercunque pertinentia, siue de iure spectan, eidem Comiti Salopiæ pro termino vitæ suæ, per se, vel per sufficien deputatum suum, aut per sufficientes deputatos suos, absque compoto

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vel aliquo alio nobis, hæredibus, vel ſucceſſoribus noſtris pro officio prædict' & cæteris peæmiſsis, ſeu eorum aliquo quouiſmodo reddend', ſoluend', vel faciend'. Damus etiam ac per præſentes pro nobis, hær. red', et ſucceſſorib' noſtris concedimus præfat' Comiti Salop', quod ipſe & quilibet deputatus ſuus ratione dicti officij, habeat, great', & deferat, tam in præſentia noſtra, hered', ſucceſſorum noſtrorum, quam in abſentia noſtra, hæredum et ſucceſſorum noſtrorum, quendā baculum aureum ad vtrumque finem de nigro annulat', & cum ſigno armorum noſtrorū, et hæredum & ſucceſſorum noſtrorum, in ſuperiore fine dicti baculi, et cum ſigno armorum dict' Comitis Salopiæ in inferiori fine eiuſdem baculi ſculpt' & ornat', licitè & impunè, abſque impetitione noſtra, hæredum & ſucceſſorum noſtrorum, vel Iuſticiar' aut Officiar', ſeu aliorum miniſtrorum noſtrorum quorumcunque hæredum vel ſucceſſorum noſtrorum. Et quod idem Comes Salopiæ, vt Comes Mariſchallus Angliæ iuxta nominis ſui decentiam hac præſenti charta noſtra confirmationis poſſit honorificentius ſe habere, dedimus & conceſsimus, ac per preſentes pro nobis, heredibus et ſucceſſoribus noſtris damus & concedimus, ac hac preſenti charta noſtra confirmationis præfat' Comiti Salop', pro ſtatu Comitis Mareſchallus Angl' manutenend' quendam annualem redditum viginț libarum. Habend', et annuatim percipiend' dict' annual' reddit' xx. libr' præfat' Comiti Salopię, pro termino vitę ſuæ prædict' de exitibus, proficuis, et reuentionibus hanaperij Cancellar' noſtrę, hęredum et ſucceſſorum noſtrorum, prouenieñ ſiue creſeñ, per manus cuſtodię ſiue Clerici eiuſdē hanaperij, aut aliorum occupatorum, receptorum, ſiue perceptorū, proficuorum, et exituum eiuſdem hanaperij pro tempore exiſteñ, ad feſtū Sancti Michaelis archangeli, et Paſchę, per æquales porciones ſoluend' abſque compoto, ſeu aliquo alio onere nobis, hęredibus, ſucceſſoribus noſtris pro prędmiſsis, vel aliquo prędmiſsorū, quouiſmodo reddend', ſoluend', vel faciend': Eo quod expreſsa &c. In cuius rei &c. Teſte Reg. apud Weſtmonaſter' &c. per breue de priuato ſigillo. Nos autem tenorem irrotulamenț literarum patentium prędictarum, ad requiſitionē præfat' G. Comitis Salopię duximus exemplificand' p preſentes. In cuius rei &c. Teſte me ipſa apud Weſtmonaſter' quinto die M. Anñ reg. noſtri xxxiiii.

A graunt for life without impeachment of waſt.

SCiant &c. quod ego T. G. de N. generoſus, pro certis bonis & rationalibus cauſis & conſiderationibus me ſpeciliter bi- Sect. 352.

mouentibus dedi, concessi, et per hanc chartam meam indentat̃ confirmaui B.S. viduæ totum illud capitale mesuagium meum cum pertinentijs in T. iuxta N. in comitatu N. Habend̃ &c. p̃dict' &c. præfato B.S. & assignatis suis, pro termino vitæ ipsius B. ad solum opus & vsũ eiusd̃ B. &c. pro termino vitę suæ, absque impetitione alicuius vasti. Ita quod immediatè post mortem eiusdem B. p̃dict' mesuagium &c. integrè reuertant mihi p̃fat̃ T.G. et hæred̃ meis imperpetuũ. Tenend̃ de capitalib⁹ dn̄is feodis &c. In cuius rei &c.

A graunt of a Mesuage for life.

Sect. 353. SCiant prę̃sentes et futuri, quod ego Walterus H. de Waitam &c. R L. &c. vnum mesuagium cum curtilagio et crofto adiacent̃ &c. Habend̃ p̃dict' mesuag' &c. præfat̃ R. ad termiñ vitę suæ, de me, et hęred̃ meis, absq; impetitione vasti. Reddend̃ inde annuatim mihi et hæred̃ meis vnam Rosam rubeam (si petatur) ad festum S. Ioh. Bapt. &c. Et faciendo sectam curię meæ de W. de tribus septimanis in tres, pro omnibus alijs seruitijs, exactionibus, et demand̃, tosies quoties dict' curia mea teneri contigerit. Et post decessum p̃dict' R. tunc p̃dict' mesuag' &c. (*vt supra*) Et ego vero p̃fat̃ W. et hęred̃ mei p̃dict' mesuag' cum curtilagio &c. p̃fat̃ R. ad termiñ vit̃ suæ p seruic' superius dicta et expressa, contr̃ omnes gentes, warrantizab. tuebimur, et defendemus per prę̃sentes. In cuius rei &c.

The Collation of a Free chappell.

Sect. 354 REx &c. (*vt supra* 327.) liberam Capellam sanct' S. apud L. in com̃ Linc', Habend̃ &c. præf. A.B. durante vita ipsius, cum omnib⁹ suis iuribus et pertinen̄ vniuersis &c. In cuius &c.

A graunt for liues.

Sect. 355. THis Indenture &c. Betweene J.C. and F.C. and A. his wife, witnesseth that the said J. in accomplishment of a couenant and grant contained in a paire of Indentures, bearing date &c. made betwixt R. C. on thone party, and the same J.C. on thother partie, Hath demised and graunted, and by these p̃sents doth demise and graunt vnto the sayd F. and A. all that manno⁹ of F. with the appurtenances in the sayd County, and all and singuler his lands, tenements, and hereditaments with thappurtenances in F. and B. in the said countie, The villeins

billeins regardant to the ſaid Manor, and all and ſingular the boundayes and worke of the tenants and farmers there, for the cariage of coales, alwaies forepriſed, excepted, and reſerued vnto the ſaid I.C. his heires and aſſignes. To haue and to hold the ſaid Manor of F. and all and ſinguler other the premiſſes (except before excepted) to the ſayd F. and A. for, and during the natural liues of the ſaid F. and A. & the longer liuer of them. Yeelding and paying therefor yearely during the naturall life of the ſaid I.C. vnto the ſaid I.C. and his aſſigns, xx. li. of lawfull Engliſh money, at the feaſt of &c. And if it happen the ſayd yearely rent, or any part thereof to be behind and not paied by the ſpace of xl. dayes after either of the ſaid feaſtes, in which it ought to be paid, and the ſame being lawfully demaunded: That then and from thencefoorth it ſhall bee lawfull for the ſaid I.C. and his aſſignes to enter into the premiſſes, and not onely to diſtraine for the ſaid rent, and euery part thereof, ſo being arrere and vnpaied, but alſo for the ſum of fiue pounds of lawfull Engliſh money in nomine pœnæ, which they the ſaid F. and A. granteth to pay to the ſaid I.C. and his aſſignes, ſo often as the ſame yearely rent of xx. li. or any part thereof ſo ſhall be arrere and not paied by the ſpace of foortie dayes after the feaſt or feaſts, at which it ought to be payed. And the ſaid F. and A. do couenant for them &c. that the ſaid F. and A. and the longer liuer of them, ſhall during the ſaid terme of their liues, and the longer liuer of them, vphold, repaire, and maintain the premiſſes in all maner of charges. And alſo ſhall vphold, repaire, and maintaine the banke and ſeadike, in ſuch maner and forme, as the ſaid I.C. his heires and aſſignes ought to haue done, if theſe preſents had neuer bin had or made. In witneſſe &c.

The Kings collation of a Prebend made cauſa permutationis.

HEnricus &c. Sciatis quod cum A.B. Rector Eccleſię parochialis de W.N. dioceſis, et C.D. Canonicus in Eccleſia cathedrali ſancti P.L. dioceſis, ac Prębendar̃ p̃bend̃ de H. in ead̃ Eccleſia, intend̃ (vt aſſerunt) beneficia ſua p̃d̃ adinuicim permutare: Nos p̃bendam p̃dictam ad noſtram donationem ſpectantem ratione temporaliũ Epiſcopatus Londinenſis in manu noſtra in p̃ſen̄t exiſtentium, p̃fat̃ A. ex cauſa hm̃di permutationis, dedimus et conceſsimus, ac per p̃ſentes damus et concedimus &c. Habendum &c. Sect. 356.

A graunt of a Parsonage by the King in pure almes.

Sect. 357 REx &c. (*vt supra* 327.) dilectis nobis in Xpo Decañ & Canonicis liberæ Capellæ nostr̃ Reg. S. Georg' infra Castrum nostrũ de W. aduocatiõ & patronat̃ vicar̃ Ecclesię de N. in com̃ H. Habend̃ &c. præfat̃ Decañ, Canonicis, & successorib⁹ suis imperpetuum, in puram & perpetuam eleęmosinam, absque aliquo impedimento, impetitione, pturbatione, molestatione, inquietatione, seu grauamine nostr̃, seu hęred̃ nr̃orũ, Iustic', Eschaetor̃, Vicecom̃, Coroñ, aut alior̃ balliuorum, seu ministrorum nr̃orũ, vel hæredum nostrorũ quorumcunq; absque apporto, firm̃, compoto, vel ratiocinio, aut alio proficuo quocunq; nobis vel hæred̃ nr̃is inde reddend̃, soluend̃, seu faciẽd': Statut̃ de terris & tenemẽtis ad manũ mortuam non ponendis ædito, aut aliquo statuto, de possessionibus alienigen̄ fact', ędito, siue prouiso, in contrar̃ non obstante. Et eo qd̃ expressa mentio de vero valore annuo, aut de certitudine p̃missorũ, seu alicuius eorundẽ, aut de alijs donis siue concessionibus p̃f. Canonicis, vel p̃decessorib⁹ suis, per nos, vel progenitor̃ nr̃os ante hęc tempor̃ factis, in p̃sentib⁹ minime fact' exiftit: Aut aliquo statuto, actu, ordinatione, vsu, cõstitutione, restrictione, siue prouisione, ædit̃ fact', prouisis seu ordinatis, aut aliqua alia re, causa, vel materia quacunq; in contrarium non obstante. In cuius rei &c.

A graunt of a Prebend void by promotion.

Sect. 358 REx &c. ac intuitu charitatis, dedisse &c. dilect' scholari nostr̃ I. L. Canonicatũ in Ecclesia nostr̃ Cathedral̃ Sarum, & præbendam de H. in eodem, modo per promotionem dilecti nobis in Christo R. T. dudum, ac vltimi Incumbentis eorundem, ad Episcopatũ N. vacantẽ, & ad nostrã donationẽ ratione ac in iure prerogatiuæ nr̃æ Reginę spectantẽ. Habend̃ & tenend̃ Canonicatum et p̃bendam p̃dictam, p̃fat̃ I. ad terminũ vitæ ipsius I. vnà cum omnibus & omnimodis iurib⁹, p̃heminentijs, & pertin̄ vniuersis. In cuius &c.

A graunt of a warren.

Sect. 359 REx &c. (*vt supra* 327.) dilecto ac fideli nostro T. M. Militi, quod ipse & hæred̃ sui imperpetuum habeant liberam warrennam in oĩbbs dominicis terr̃ suis de N. in com̃ E. dum tamen terr̃ illæ non sint infra metas foreſtæ nostr̃, ita qd̃ nullus intret teras ilas ad fugandum

gandum in eis, vel aliquid capiend' quæ ad warrennam pertineat, sine licentia et voluntate ipsius E. vel hered' suor', sub forisfactura nobis decem librarũ. Quare volumus et firmiter precipim⁹ pro nobis et hered' nostris, quod ipse et heredes sui imperpetuum habeant liberã warrẽnã in oĩbus dominicis terris suis de N. p̃dict', dum tamen terr' ill' non sint infra metas foresti nostr': Ita quod nullus intret in terras illas ad fugãdũ in eis, vel aliquid capiend' q̃ ad warrennam ptineat, sine licentia et voluntat' ipsius T. et hered' suor', sub forisfactur' nobis x. librar', sicut p̃d' est. His testibus &c.

The graunt of a Prebend in a Colledge.

HEnricus &c. Dilectis nobis I.O. Decano collegij nri Oxoniensis vulgaliter nuncupati (**King Henry the eights Colledge**) ac eiusdem Collegij canonicis, salutem. Sciatis &c. (*vt supra* 327.) dilect' Capellano nostro I.B. sacr' Theologiæ professori, canonicatum siue p̃bendam in Collegio nr̃o præd', modo per mortem I.H. vltimi incumbentis ibidem vacantem, atq; ad donationẽ nostram pleno iure attinẽtem. Habend' &c. vna cum hospicio qd' idem I.H. ratione dicti canonicat' siue prebend' nuper possidebat. Vobis igitur coniunctim et diuisim committimus et strict̃e mandam⁹ quatenus p̃f. I.B. ad dictũ canonicatũ siue prebendam, statim (his literis nostris inspectis) admittatis, necnon eundem in realem & corporalem possessiõ dicti canonicatus siue prebend' iuriumque et ptiñ suor' vniuersor' inducatis prout decet. In cuius &c. Sect. 360.

A graunt of a Faire.

REx &c. Sciatis quod nos ob singularem affectionẽ et intimam dilectionem, quas penes Reuerendissimum in Christo patrem I. Archiepiscopum Cantuarien' Cancellarium nostrum gerimus et habemus de gratia &c. concessimus, et hac presenti charta nostra confirmauimus pro nobis et hered' nostris præf. Archiepiscopo quod ipse et successores sui in perpetuum habeant vnam feriam siue nundinas apud villam suam de S. in com' K. in quodam loco in communia villæ p̃d' vocat' le **Cline**, Ecclesiæ Christi Cantuarien' pertiñ, singulis anñ per tres dies duratur', viz. in vigilia, in die, & crastiñ translationis sancti N. viz. nono die Maij, cum omnib⁹ libertatib⁹ et liberis consuetudinibus ad huiusmodi feriam siue nundinas pertinent', dũ tamen feriæ siue nundiñ ill' non sint ad nocument' vicinar' feriar' siue nundinarum Sect. 361.

Quare

Quare volumus &c. *vt supra* 359. quod prędict' Archiepiſcopus & ſucceſſores ſui imperpetuum habeant et teneant feriam ſiue nundinas prædict' apud prædict' villam de S. in prædict' loco communi villæ prędict' vocat' le vine, ſingulis anni per tres dies duratur, videlicet, in vigillia, in die, & in craſtino tranſlationis ſancti N. dict' nono die Maij cum omnibus libertatibus & liberis conſuetudinibus, ad huiuſmodi feriam ſiue nundinas pertinentibus, dum tamen ferię ſiue nundiñ illæ non ſint ad nocumentum vicinar' feriar' ſiue nundinarum ſicut prædictum eſt. His teſtibus &c.

A leaſe to a ſpirituall perſon, with diſpenſation of the Statute 21. *H.* 8.

Sect. 362. REx &c. Sciatis quod nos &c. R. *F.* clerico, maneria, dominia, & tenementa noſtra de N. &c. Ac omnia & ſingula ædificia, domos, gardina, terras, tenementa, prata, paſcua, paſturas, boſcos ſubboſcos ac reditus & ſeruitia omnium et ſingulor' tenent', tam liberorum quam natiuor', ac tenentium per copias Rotulorum curiæ, et cæterorum tenentiũ cuſtomariorũ, & tenẽtium ad terminum vit', vel ad terminos annor', ac omnes & ſingulos redditus & firmas ſuper quibuſcunque dimiſſionibus, conceſſionibus, ſiue traditionibus de præmiſſis, vel eorum aliquib' factis quouiſmodo reſeruatos. Et inſuper reuerſiones, fęoda Milit', wardas, maritag', curias, letas, viſus, frãcipl', & omnia quæ ad viſum francipleg' pertinent, fines, amerciament', exitus, proficua, warrennas, aquas, piſcarias, libertates, franchęſias, cõmoditates, emolumenta, et hæreditamenta noſtra quecunq; cũ ſuis pertinentijs dict' manerijs, dominijs, et tenement' de N. &c. et eorum cuilibet, ſiue eorũ alicui pertineñ ſiue ſpectant', parcell' aut parcell' eorundem, aut eorũ alicuius exiſteñ, aut fore reputat'. Et vlterius &c. Rectoriam noſtr' Eccleſię parochial' de N. &c. Habend' et tenendã omnia et ſingula prædict' maneria &c. prędicto R. & aſſignatis ſuis, p termino et ad terminum vitæ ipſius R. Tenendum de nobis &c. p &c. pro omnibus ſeruic', redditibus, et demandis, quibuſcunq; &c. Ac inſuper de gratia noſtra prędict', volumus, et per præſentes pro nobis hæred', et ſucceſſoribus noſtris licentiam, facultatemque ſpecialem prędict' R. damus & concedimus, quod idem R. & aſſignati eius, omnia & ſingula prædict' maneria &c. et cetera præmiſſa cum ſuis pertineñ virtute & vigore harum literar' patentium habere, gaudere & teneř poſsint & valeant pro term̃ vitæ ipſius R. erga nos, hæredes & ſucceſſor' noſtros: quodam ſtatuto in anno viceſimo primo regni noſtri

ædito

ædito, ſpirituales ſeu eccleſiaſticas perſonas concernente atq; ſpectante: per q̃ quidem ſtatutum ordinatum & ſtabilitum exiſtit inter alia, q̃ nulla ſpiritualis ſeu eccleſiaſtica perſona ſecularis vel regularis cuiuſcunq; gradus exiſtit, deinceps ad firmã recipere poſſit ſibi vel alicui perſonæ vel aliquib⁹ pſonis ad eius vſum, ex dimiſſione ſeu conceſſione nra aut alienius ſiue aliquarũ aliarum perſonarum per literas patentes, indenturas, ſcripta, verba, vel quocunq; alio modo, aliqua maneria, tras, tenementa, ſeu alia hæreditamenta ad terminum vitæ, annorũ, vel ad voluntatem, ſub pœna in eodem actu expreſſa, non obſtante. Ac quod idem R. & aſſignati ſui, omnia & ſingula maneria pdict, fundos, terras, tenementa, cæteraq; premiſſ. vniuerſa habere, tenere, & occupare poſſit & valeat pro termin vitæ ipſius R. abſque aliquibus primis fructibus pro præmiſſis, ſeu aliqua inde parcell nobis hæred, vel ſucceſſoribus noſtris pro eiſdem reddendis ſeu faciendis: aliquo ſtatuto &c. vt *ſupra 357.*

The gift of a Stewardſhip and Conſtable, and Maſter of a Foreſt.

REx &c. Sciatis quod nos conſiderantes fidelitatem & induſtria prędilecti & fidelis conſanguinei noſtri R. &c. ex gratia &c. conceſſimus prędicto G. officia Seneſchalli ſiue Seneſchalcię Honoris noſtri de N. in comitat D. & S. Necnon caſtri, villę, dominij, & manerij noui Caſtri ſuper Tinam, dominiorum & maneriorum de W. & A. ac omnium aliorum caſtrorum, dominiorum, maneriorum, terrarũ, & tenementorum noſtrorũ in eiuſdem Comitat, cum pertinentijs, parcell Ducat noſtri Lanc': ac etiam eidem G. Seneſchallum omnium officiorum prędict per preſentes ordinauimus, feeimus, & conſtituimus. Ac etiam conceſſimus eidem G. officium Conſtabularij caſtri noſtri de T. M. & P. magiſtrum Foreſtarũ chacęe noſtri de R. ac Ballium noſtrum libertatis nrę in comitat prędict. Necnon Magiſtrum de ducta ferarum omnia foreſtarum, chacearum, parcorum, boſcorum, & warrenarũ in Comit prędict. Ac etiam conceſſimus eidem G. plenam authoritatem & poteſtatem ad faciendum nominandum & aſſignandum de tempore in tempus, omnes & omnimodos foreſtarios & cuſtodes dictarum foreſtarũ, ferarum, chacearum, parcorum, & warrennarum. Ac inuper dedimus & conceſſimus eidem G. officium Magiſtri capitalis Seneſchalli Honoris prędict, ac cæterorum præmiſſorum omnium cum pertinent. Habenda, occupand, & exercend, omnia prędicta officia & eorum quęlibet vna cum authoritate & poteſtate prędict prędict G. per ſe vel p̃ ſuos ſuffi- Sect. 363.

ſufficientes deputatos aut deputatū ſuū, p̄ termino vitæ ipſi' G. percipiend' annuatim, in, & p̄ officijs p̄d' & eorum quolibet centū libr' &c. vna cum feodo & vadio ab antiquo debito & conſueto, tam eiſdem officijs & eorum cuilibet, q̄ omnib' alijs offic' occupand', p̄ officiar' fiend' & nominand' per præf. G. authoritate & poteſtate ſupra d', & de exitib' proficuis & reuentionibus Honoris præd', & cæterorum p̄miſſor', & eor' cuiuſlibet prouenient' ſiue creſcent', permanus firmarior', tenentiū, receptor' ſeu alior' officiar' & occupator' eiuſd' pro tempore exiſten', ad &c. vna cum omnibus & omnimodis alijs feodis, proficuis, commoditatibus, libertatibus, & emolumentis quibuſcunq; officijs præd' & eorū cuilibet qualitercunq; pertin', in tam amplis modo & form', prout aliqui alij, ſiue aliquis alius officia p̄d', ſeu eorū aliquod ante hæc tempora habuerunt ſiue habuit, occupauerunt vel occupauit, ac in eiſdem & in eorum quolibet perceperunt ſiue percipere debuerunt vel debuit. Eo q̄ expreſſa mentio de vero annuo valore &c. As you ſée aboue, Sect. 357.

A Grant of a Stewardſhip and Surueyorſhip.

Sect. 346. PRenobilis G. Comes S. dominus Talbot, dominus Furnyual, Verdon, et Strange de Blackmere, dominus Liſtoſt &c. Omnibus ad quos hoc p̄ſens ſcriptum peruenerit, ſalutem. Sciatis me præf. Comitem, tam pro ſincero amore & beneuolentia quā iamdudū affectus ſum erga W. W. de R. in comitat' Ebor' generoſ. de cuius prouida circumſpectione, pia ſedulitate, ac ſingulari in hac parte prudentia merito pluriū confido, quam pro ſumma illius tum in me, tum in illuſtriſſimū G. nuper Comitem S. præclariſſimum patrem meum obſeruantia fide ſtudio officio & pietate, ex mera & ſpontanea voluntat' mea dediſſe & per præſentes conceſſiſſe eid' W. W. officium Seneſchall' ſiue Seneſchalciam omnium & ſingul' domiū, manerī, & hæreditamenī meor' quorumcunq; in ſeperal' comitatibus E. D. N. H. et B. et cuſtod' ſiue officium tenendi omnes & omnimodas Cur' baron', letar', viſ. franc' pleg', dominior' & manerior' prædict', & eor' cuiuſlibet ac gubernationem et ſuperuiſionem eorundem. Ac ipſum W. W. generalem ac capital' Seneſchall' ac ſuperuiſorem meum omnium curiar', dūiorum, manerior', et hereditamentor' meor' predict', facio, conſtituo, et ordino per preſentes. Habend', tenend', gaudend', exercend', et occupand' officia predict' cum pertin', vna cum omnibus & ſingulis feod', vadijs, regardis, proficuis, ꝑheminātijs, et aduātagijs eiſd' officijs ſpectan' ſiue ptin' p̄d' W. W. p̄ ſe, vel p̄ ſufficien' deputat' ſuū, ſiue ſufficient' deputat' ſuos, vel p̄ ſufficient' depu-

deputatum siue deputatos deputati siue deputator̃ fuerum pro quor̃ factis mihi respondere velit, a dat̃ pręsent durante &c. Mando insuper vniuersis & singulis balliuis, pręposit̃, firmarijs, tenentibus, & occupatoribꝫ meis pmissor̃ & eor̃ cuilibet, q̃ præf. W.W. & deputatis suis p̃d in hac part̃ de tempore in tempus assistentes sint, obedient, & auxiliantes in oꝰibus, prout decet durant̃ termino pręd. In cuius rei testimoñ huic pśent scripto meo sigill meum apposui, dat̃ 23. die D. anno regni dom̃ nr̃æ Eliz. dei gratia Angl, Franc & Hiberñ reginæ fidei defensor̃ &c. tricesimo tertio, 1592.

A Grant of an Ideot or Lunatike.

REx &c. Sciatis quod cum T.P. filius & hæres H.P. nuper de F. in in comitat̃ F. fatuus & Ideot̃ exist̃ a natiuitate sua, & ea ratione sui ipsi, ac ter̃, tenementor̃, bonorum & catallor̃ suorũ regimine vacat & caret, prout coram nobis per testimonium fide dignorũ probat̃ exist̃. Nos vero ex &c. volentes eidem T. de vitę necessarijs & corporis suis custod̃ secur̃ prouidere, Dedimus & concessimus, ac per præsentes damus & concedim⁹ dilecto nobis in Christo H.I. militi pro corpore nostro custodiam ipsius T. ac omniũ terrar̃ & tenementorũ reddituum & seruitiorũ cum pertinentijs, quę nuper fuerunt prædict̃ H.P. & quæ tam per finem post mortem eiusdem H. quã ratione fatuitatis & Ideotatis dicti T. ad manus nostras deuenerunt, seu deuenire debuerunt aut debent. Habend̃, gaudend̃, tenend̃, & occupand̃ custodiam corporis dicti T. ac omnium maneriorum, terrarum, tenementorum, & aliorum præmissorum &c. præfat̃ H.I. hæred̃ & assignat̃ suis pro term̃ vit̃ natural̃ dicti T.P. absque aliquo compoto seu aliquo alio nobis vel hæred̃ nostris inde reddend̃ vel faciend̃. Proviso semper quod dict̃ H.I. hæred̃ & assignat̃ sui de exitibus manerior̃, terrarum, tenꝰtorum, & cæterorum præmissor̃, inueniat pręd̃ T. victualia, & omnia vitę suę necessaria, prout decet in tali casu, & quod terra & tenta &c. pręd̃ manuteneant̃ sine vasto vel destructioñ. Eo q̃ expressa mentio de vero annuo valore &c. *vt supra* 357. Sect. 365

A Grant of the office of one of the Auditors of the Exchequer.

REx &c. *vt supra* 327. In consideratione bon̄ & fidelis seruit̃ quod dilect̃ seruiens noster G.D. nobis impendit, & imposterum impendet, dedimus & concessim⁹, ac per pręsentes damus et concedim⁹ eidem Sect. 366.

eidem &c. officium vni' Auditor' Scaccarij nostri, q̃ R.S. nuper habuit & occupauit, & in manib' nostris nunc existit, Habend & tenend p̃d officium prædict' G. quamdiu se bene gesserit in eodem, p se vel per sufficientẽ deputat' suũ, cum feod & vad eidem officio ab antiquo debit & consuetis, vna cũ alijs p̃fic̃uis, commoditat', & aduantagijs eidẽ officio pertinen' siue spectan', in tã amplis modo & forma, put H.F. aut R.S. siue aliquis ali', siue aliqui alij ante hæc tempora habuit, p̃cepit, habuerunt seu p̃ceperunt, Eoq̃ expressa mentio &c. *vt supra* 357.

A Grant of an Auditorship.

Sect. 367. OMnibus &c. S. Episcopus W. Sciatis nos fecisse, ordinasse, constituisse, & assignasse R.R. Auditorem nostrum ad omnia & singula compot' omnium receptorũ & præpositor' Balliuorum, firmariorum & aliorum quorumcunq; ministror' omnium & singulorum dominior', maneriõr', terr' & tenementor' nobis computabil' existent infra regnũ Anglię, audiend', & terminand': Necnon ad omnia & singula q̃ natura cõpot' exigit & requirit faciend & exequend. Habend, tenend, exercend & occupandũ officiũ prædict' pro tempore vitę suæ, p se vel p deputatũ suũ: percipiend de nobis & successorib' nostris p̃ prædict' officio exercend, occupand, et exequend', pro feodo suo annuatim quinque libras, & pro papiro &c. pro rotulis compotor' superscrib. decem solidos de exit, proficuis & reuent dominiorũ, maneriorum, terr', & tenementor' nostror' prædict' per man' recept, balliuor', ppositorum & firmariorũ nostrorum pro tempore existent. Et etiam damus et concedimus per p̃sentes p̃fat' R.R. seu ei' in hac parte deputat' qui in hmodi officio suo exercendo occupat' fuerit in eund', equitand', siue redendo, viz. quouis die decem denarios p̃ seipso, ac p̃ quolibet seruiente ipsi' R. seu eius deputat' p̃ diem decẽ denarios, mandantes firmiter oĩb' & singulis officiarijs & ministris nostris p̃d, q̃ &c. *vt supra* 374.

A Grant of the keeping of an Ideot with his lands &c.

Sect. 368 THis Indenture made &c. Betweene the right honorable Sir W. C. Knight, Lord W. Lord Treasorer of England, and Master of the Quéene Maiesties Court of Wards and Liueries, and R.K. Esquire, Surueyor of the same Liueries, for and in the name and behalfe of the said Soueraigne Lady the Quéene, on the one partie, and G.H. brother

and

and next heire of I. P. knot deceased on the other partie. Witnesseth that where our said soueraigne Ladie is agreed to graunt vnto the said G. an Ouster le main to be had, of, and in certaine lands and tenements holden of our said soueraigne La. the Qu. as of her graces castle of W. parcell of her D. of L. by fealtie and rent, which to the said G. discended and came in dee, possession or reuersion from the said I. P. his brother and heire of the said I. P. knot, as in the said Ouster le maine more plainely is contained. Yet for that our said soueraigne Lady should not be deceiued, but that her grace should haue perfect knowledge and vnderstanding of the true value of the said lands and tenements, and all other hereditaments: The said G. hath deliuered the day of the date hereof vnto the said M. L. Lord Treasurer of E. and M. a writing in parchment indented hereunto annexed, wherein be contained and specified all the lands and tenements, and the true yeerely value of the same which the said G. willeth or intendeth to haue or shall haue out of the Queenes Maiesties hands or possession by the said Ouster le main. And ouer that, the said G. P. couenanteth &c. to, and with &c. that one Auditor or Auditors by our said soueraigne Ladie to be assigned, or any Auditor to the Queenes Maiesties Court of Wardes and Liueries for the time being, shall at the costes and charges of the said G. and at such time as it shall please our said soueraigne Ladie, her heires and successors Kings of this Realme, to appoint by the said Master of her Highnesse court of wardes and liueries, and surueyor of the same liueries for the time being, or otherwise, to search, suruey, and view aswell the true value as the tenure and tenures of the same: vpon which search and view, if it can be proued that any mannors, lands, tenements, and other hereditaments, whereof the said G. or any other person or persons for him, in his name, or by his consent taketh or hereafter shall or may lawfully take any aduantage, benefits, profit or commoditie, by reason or meanes of the said Ouster le main be holden of the said soueraigne Ladie by knights seruice in chiefe, or otherwise in socage in chiefe, and bee of more better and larger yearely value, then in the same writing is contained: then our said Soueraigne Ladie shall bee by the said G. P. his &c. truely answered and satisfied aswell for the tenures as for the yearely value, of all such lands and tenements, as shall happen to be vnder valued and omitted out of the same writing. And also for the concealement and offence in that behalfe, the said G. shall content and pay vnto our said soueraigne Ladie into her Graces Court of wardes and liueries, the double of one yeares value of all the landes and tenements so omitted or

vnder-valued. And also our said Soueraigne Ladie shall and may perceiue and take the wholle issues and profits of the landes and tenementes so omitted and vnder-valued, vntill the said G. or his assignes shall haue agreed, to and with the said W. Lord B. &c. and R. K. &c. or other the maisters of the Queenes court of Wards and Liueries and surueiors of the same Liueries for the time being, for the said value and ouerplus of the landes, tenements, and hereditamentes so omitted or vndervalued, and shall find sufficient sureties for the paiment thereof to the Queenes Maiesties vse. And also all such other summes of money as by the agreement of the said Maister of the Queenes Court of Wards and Liueries and Surueiors of the same Liueries shall bee taxed, assigned or appointed, any thing herein contained to the contrarie notwithstanding. In witnesse whereof to the one part of these Indentures remaining to and with the said G. The said W. &c. and R. K. haue set their hands and seales: And to the other part of these Indentures remaining to the Queenes Maiesties vse in the said Court of Wards and Liueries, the said G. P. hath set his hand and seale die & anno suprascriptis.

Valor siue extentus annui valoris omnium & singulorum manerior, terrarum, tenementorum & cæterorum hereditamentor quorumcunq; super I. P. fatui & Idem defunct, & in custodia dñæ Eliz. nunc Reginæ ratione status sui tam siue tempor mortis suæ & quæ per siue post mortem eiusdem I. cuidam G. P. fratri & hæred suo descenderunt & descendere debent, in vsu, possessione, & reuersione. Qui quidem I. P. obijt &c. dicto G. adtunc plene ætatis, scilicet xxj. annorum decimo nono &c. prout per Inquisicionem inde capt apud N. in comitatu N. primo die &c. plenius poterit apparere. Et modo viz. vltimo die N. anno &c. idem G. P. venit ad prosequend sum Dustre le main extra manus dict. dom Reg' de omnibus premiss. subscript secundum communes leges huius regni Angliæ.

Gen. Not.

Manerium de H. cum pertin & alia terr, tenementa, hereditamenta in H. & C. cum pertin, tenen de Archiepiscopo Ebor, vt de manerio suo de G. in dicto comitatu N. in soccagio, p fidelitatem & reddit xx s. iij d. per annum pro omnibus seruicijs: valent clare per annum

A Grant of the tuition and gouernment of a Lunatike.

THis Indenture made betweene the most excellent Princesse, and our most dread Soueraigne Lady Elizabeth by the grace of God Quéene &c. on the one partie, and W. G. gentleman on the other party, Witnesseth, that where our said Soueraigne Lady, with the aduice of the Master and Counsell of her graces court of Wards and Liueries, is contented and pleased to grant, and by these presents doth cõmit and grant vnto the said W. G. the custodie, rule, order, and tuition of W. R. being a fole naturall, and Lunaticke, not able to gouerne himselfe, his mesuages, lands, tenements, goods, and cattels, as by an office thereof found at C. in the countie of C. the 26. day of October in the xxiij. yeare of our Soueraigne &c. more at large appeareth. And whereas also our said Soueraigne Lady hath couenanted and graunted, and by these presents couenanteth and graunteth vnto the said W. G. all the custodie, rule, order, occupation, disposition, and receipt of all the mesuages, lands, tenements, and hereditaments, & of the rents, reuenues, issues and profits thereof, which the said W. R. or any other person or persons to his vse, now hath, or ought to haue in possession or reuersion, or which by any lawfull waies or meanes, may or ought to come, discend or grow, vnto the said W. R. And also the custodie, rule, order, and receipt of all the goods, cattels, farmes, stockes, stores, plate, money, debts, iewels, wares, merchandises, and other commodities and profits whatsoeuer to the said W. R. in any wise belonging or pertaining, and the vse and merchandizing of the same, to the behoofe, profit and commoditie of the said W. R. and the releife and sustentation and finding of his wife, children, and familie, if any bee, and also for the preseruation, safegard and reparations of the said mesuages, lands, tenements, houses, farmes, houshold stuffe, readie money, and other commodities, during the life of the said W. R. The said W. G. for the better and more true administration, accomplishment, and performance of the conditions and duties by order of law incident and belonging to the said custodie, hath deliuered a writing indented hereunto annexed, in which haue contained and specified all the mesuages, landes, tenements, rents, reuersions, and the perticular values of them, and euerie of them, and also all the farmes, stockes, wares, goods, cattels, money, plate, iewels, houshold stuffe, implements, debts, and other commodities, duties, and profits whatsoeuer to the said W. R.

now appertaining or belonging, or which in any wise ought of right to appertaine or belong to him: which writing indented, the sayd W. G. covenanteth to be true, and a perfect declaration of all the messuages, landes, tenements, rents, reuersions, seruices, hereditaments, farmes, stockes, woares, goods, cattels, readie money, and other the premisses without exception of them, or any of them. And the said W. G. covenanteth and graunteth for him and his assignes by these presents, that the rents, reuenues, issues, profits, and increase, of the said messuages, landes, tenements, stockes, woares, goods, cattels, readie money, and other the premisses, as farre forth as the same will extend and reach, and as farre forth as shall be conuenient, requisite and conuenient, shall daily from time to time during the said time as he imployed, conuerted and disposed upon the feeding and sustentation of the said W. G. his wife, children, and familie (if any be) with honest and conuenient meate, drinke, and apparell, lodging, wages, and necessaries. And that the sayd W. G. and his assignes so farre forth as in him and them lieth, shall honestly intreat, order, and maintaine the said W. G. according to his degree, estimation, substance, and possession, as to the Queenes honour and his worth in that behalfe doth appertaine. And the said W. G. covenanteth and graunteth for him and his assignes by these presents, that he with the sayd rents, profits, and increase, as farre forth as the same will extend or reach, and so farre forth as the same shall be necessarie, shall make all manner of necessarie and needfull reparations, in and upon the said messuages, landes, tenements, and other hereditaments, and in and upon the building, in such manner and sort, as hereafter no waste, spoyle, decay, or disorder be found by the default of the said W. G. or any other by his meanes or procurement, and if any decay be at this time, in convenient and reasonable time to cause the same to bee amended and repaired. And the said W. G. covenanteth and graunteth for him and his assignes by these presents, that they shall not doe nor suffer to be done any strip, waste, or spoile of woodes of the said messuages, landes, tenements, and hereditaments, or any part thereof, nor willingly delay any rent or service belonging to the same, or expell or put out any tenant, holding any parte or parcell of the premisses, nor alter any guise of them, or any of them, without the knowledge or agreement of the said maister and Counsell for the time being. And if at any time hereafter, any strip, waste, spoile, or misorder bee done, or encroachment of land made in the possession of the inheritance of the said W. G. or his heires, that then the sayd W. G. and his assignes, as much as in him or them lieth

shall

shall haue and beare the same, and for lacke of power and sufficient authoritie so to doe, shall with conuenient spéed and expedition certifie the same to the said Maister and Counsell for the same, and receiue and prosecute with their order for reformation thereof, for, and for the amusement of the Maiesties Graffties interest and right, and for the preseruation, safegard, and tuition of the inheritance, right, and title of the said Wil. R. And the sayd Wil. G. couenaunteth and graunteth for him and his assignes by these presents, that hee the said Wil. G. or his assignes, in Trinitie terme next comming shall bring his part of these Indentures, to the Auditor generall of the Queenes Maiesties sayd Court of Wards and Liueries, to haue the same there inrolled, and shall make a true and perfect accompt before the said Auditor of the rents, reuennes, profits, and increase of the said messuages, lands, tenements, and other the premisses, and shall stand to the order and direction of the said Maister and Counsell, aswell for all maner of accompts, paiments, receipts, demands, and other matters, as for the custody, order, and disposition of as much thereof as shall be found in the accompt to remaine in his hands, aboue all reprises and deductions, so that by the said Maister and Counsell the same may be employed and bestowed to the most vtilitie and profit of the said Wil. R. and his heires, and so from time to time to make like accompt, and abide like order whensoeuer hee by the sayd Maister and Counsell shall bee called to the same. And the sayd Wil. G. couenanteth and graunteth for him and his heirs, by these presents, that he the said Wil. G. and his assignes, shall at all times hereafter, not only permit and suffer the said Maister and Counsell, or any other by their authoritie, to survey the estate and vsage of the said messuages, lands, tenements, and other the premisses, but also pay the charges of the same survey out of the said rents and profits, and shall from time to time performe and fulfill the direction of the said Maister and Counsell, for and concerning the redresse and reformation of all disorders found vpon the said survey. And if it fortune the said messuages, landes, tenements, and hereditaments, or any part of them, by any such survey to be found of better or more yerely value or rent, than is before expressed in the said writing indented, or that any part of the, or any other landes which the said Wil. R. ought to enioy, bee omitted in the same writing indented: then the said Wil. G. and his assignes, shall truely accompt for the ouerplus of the rents and profits so found, taken and omitted, and the arrerages thereof, and shall stand to, and accomplish such order and direction of the said maister and counsell, for the paying, imploying and bestowing of the said rents, and arrerages there-

thereof, as to the said Maister and Counsell shall seeme expedient. And the said W. G. couenanteth and grauntеth for him and his assignes by these presents, that neither the said W. G. or his assignes, shall giue, grant, couenant, bargaine or sell the custodie of the said R. W. nor his interest in the same by vertue hereof, to any person or persons, without the knowledge and agreement of the said Maister and Counsell for the time being. And it is prouided in the behalfe of the Qu. Maiestie, by the said Maister and Counsell, that if at any time hereafter it fortune the said couenants, conditions, graunts or agreements, or any clause or article before mentioned, which are to bee kept on the part and behalfe of the said W. G. and his assignes, to bee broken and vnkept, and not reformed within 2. moneths next after lawfull warning to him or them thereof giuen, that then this present grant to be void and of none effect. And immediately vpon such default, it shalbe lawful to the said Maister and Counsel, not only to sequester and take the said custody into the Q. Maiesties gift, and order, and the same to commit and dispose to any other person or persons, during the lunacie of the said W. R. but also to distraine the goods and chattels of the said W. G. and his assignes, and the same to driue, lead, and carie away, withhold, bargaine, and sel, to the vse of the Qu. maiestie, vntill her highnes be fully answered and paid, for the damage sustained by breaking of any of the said couenants in these present Indentures contained: anything before mentioned to the contrarie notwithstanding. In witnesse &c.

A grant of the tuition of a Lunatike, his familie, lands, and goods.

Sect. 370

THis Indenture &c. *vt in Sect.* 369. and T. W. P. D. W. S. and G. P. Esquires of the other partie, Witnesseth, that where our Soueraigne Lady, by inquisition taken at A. in the countie of P. the 17. day of June, in the second yeare of her noble raigne, before A. B. Escheator of the said Countie, by vertue of the Qu. Maiesties writ to him directed, to inquire of T. W. Esquire, and by her highnesse prerogatiue royall is intitled to the custodie of the said T. W. and to prouide for the estate of him, his wife, children, manors, lands, tenements, and hereditaments, goods and chattels, according to the said prerogatiue, and the lawes and statutes of the realme in that case prouided, and is contented and pleased, to graunt and to commit vnto the said T. W. P. D. W. S. and G. P. as well the custodie, rule, order, tuition, and gouernance of the said T. W. being by the said Inquisition found to be a lunatike, and imperfect of mind and memorie, not able to gouerne

himselfe

himſelfe, his wife, children and familie, manors, lands, goods, & chattels, as alſo the cuſtodie, rule, tuition, vſe, occupation, receipt and diſpoſition of all the manors, lands, and hereditaments, farms, ſtocks, ſtores, goods chattels, money, plate, houſhold ſtuffe, and other commodities and poſſeſſions whatſoeuer they be which the ſaid T. W. now hath, or by any meanes may or ought lawfully to haue, to vſe, profit and commoditie of the ſaid T. W. and his heires: To haue and to hold the ſame to the ſaid T. N. W. and G. during the Queenes Maieſties will and pleaſure. And therefore the ſaid T. N. W. and G. for the better performance of the couenants and conditions incident and belonging to them that haue the cuſtodie committed vnto them, haue deliuered a writing indented hereunto annexed, in the which bin contained and ſpecified all the manors, lands, tenements and hereditaments, being of the inheritance of the ſaid T. W. in poſſeſſion and reuerſion, and alſo all goods and chattels of the ſaid T. W. which writing indented the ſaid T. N. W. and G by theſe preſents couenant and grant to be a full and perfect declaration of all the manors, lands, and hereditaments, goods and chattels, without omiſſion or concealement of any part of them. And the ſaid T. N. W. and G. couenant and graunt for them and their aſſignes, that the rents, reuenues, and profits and increaſe of the ſaid manors, lands, and hereditaments, goods and chattels, as far forth as the time will extend and reach, and as far forth as ſhall be needfull, neceſſarie, requiſite, or conuenient, ſhal from time to time during the ſaid cuſtodie be imploied, conuerted and beſtowed vpon the finding and ſuſtentation of the ſayd T. W. his wife, children, and familie, with honeſt and conuenient meat, drinke, apparell, lodging, regards and neceſſaries: And that the ſaid T. N. W. and G. and their aſſignes, ſo far forth as in them lyeth, ſhall honeſtly intreat, order and maintaine the ſaid T. W. according to his degree, eſtimation, ſubſtance and poſſeſſions, in ſuch ſort, as to the honour and their duetie in that behalfe appertaineth. And the ſaid T. N. W. and G. doe couenant and grant by theſe preſents, that with the ſaid rents, profits, and increaſe as far forth as the ſame will extend, and ſo far forth as the ſame ſhall be neceſſarie to the ſaid T. N. W. and G. and their aſſignes, ſhall make all manner of needfull and neceſſarie reparations, in, and vpon the ſaid manors, lands, and other the premiſſes, and in and vpon all the buildings of the ſame, in ſuch manner and ſort, as hereafter no waſte, ſpoyle, or diſorder bee found by the default of the ſayd T. N. W. and G. or any other by their meanes or procurement: And if the decay bee at this preſent, in conuenient and reaſonable time to cauſe the ſame to bee amended and repaired.

And the sayd L. N. W. and G. doe couenaunt and graunt by these presents, that they shall not doe or suffer to be done any strep, wast, or spoile of woods vpon the said Manors, Lands, and Hereditaments, ne wittingly decay any rent or seruice belonging to the same, nor expell or put out any tenant or tenants, holding any part of the premisses, nor take fines of them, nor cut downe any timber vpon the premisses, without knowledge and agreement of the said maister and counsell for the time being. And if at any time hereafter, any strep, wast, spoile, or disorder or incrochment of land be made to the preiudice of the inheritance of the said L. W. or his heires: that then the said L. N. W. and G. as much as in them lyeth, shall withstand and defend the same, and for lacke of power so to doe, shall with conuenient expedition after knowledge thereof had, certifie the same vnto the said maister and counsell for the time being, and receiue and prosecute forth their order, vntill sufficient redresse be therein had, to, and for the aduancement of the Quænes Maiesties interest and right, and for the safegard of the inheritance, rights and titles of the sayde L. W. and his heires. And the said L. N. W. and G. doe couenant and graunt for them and their assignes by these presents, that they the same L. N. W. and G. by themselues or their sufficient deputies, in Michaelmas Terme next comming shall bring their part of these Indentures to the Auditor generall of the Quænes Maiesties court of Wards and Liueries to haue the same inrolled and shall make a true and perfect accompt before the same Auditor, of the rēts, reuenues, and profits, and increase of the said manors, lands, and hereditaments, goods, and chattels, and shall stand to the order and direction of the said Master and Counsell, as well for all manner accompts, paiments, receipts, demaunds, and other matters, as also for the custodie, order, and disposition of as much thereof as shall be found in the same accompt to remaine, or which lawfully ought to remaine in their hands, aboue all reprises and deductions, so that by thaduice of the Master and Counsell, the same may be imployed and bestowed to the most vtilitie and profite of the said L. W. and his heires, and so from time to time make like accompt, and abide like orders whensoeuer by the same Master and Counsell he shall be called to the same. And the sayd L. N. W. and G. do couenant and graunt for them and their assignes by these presents, that they the sayd L. N. W. and G. and their assignes, shall at all times not onely permit and suffer the said Master and Counsell, or any other by them authorized, to survey the state of the said manors, lands, hereditaments, goods and chattels, but also pay the arrerages of the said survey

out

out of the said rents and profits, and shall from time to time perfo̅rme and fulfill the direction of the said Maister and Counsell, fo̅r and concerning the redresse and reformation of all disorders found vpon the same survey. And if it fortune the said manors, lands, and hereditaments, or any part of them, by any such survey to be found of better and more yearely rent, than is before expressed in the same writing indented, or that any part of them, or any other lands, goods, or chattels, which the said L. W. ought to enioy, bee omitted in the same writing indented: then the sayd L. N. W. and G. and their assignes, shall yeeld accompt of the ouerplus of the rents and profits so vnder-valued and omitted and of tharrerages thereof, and shall stand to and accomplish such order and direction of the said Maister and Counsell, fo̅r the paiment, imploying and bestowing of the said rents and profits, and tharrerages thereof, as to the said Maister and Councell shall be thought expedient. And the said L. N. W. and G. doe couenant and graunt, fo̅r them and their assignes by these presents, that they the said L. N. W. and G. and their assignes during the said custodie, shall from time to time cause the Courts heretofore vsed and had vpon the said manor to bee yearely kept, and the court rolles ingrossed, and surely laid vp together, with all other euidences, records and writings, which the said L. N. W. and G. or their assignes may lawfully come by, concerning the title of the inheritance of the said L. W. so that they and euery of them may safely come to him and be deliuered vnto him, if at any time hereafter he shall happen to recouer his vnderstanding and memorie, or after his death to his heires, without concealment, imbesilling or withdrawing of the said euidences or any part of them to the knowledge of the sayd L. N. W. and G. or any other by their meane, knowledge, or procurement And moreouer, the said L. N. W. and G. or their assignes, shall not doe or suffer to bee done vnto their knowledge, any thing or act that may be to his hurt, incumbrance, and impairement of thinheritance of the said L. W. or his heires. And the said L. N. W. and G. doe couenaunt and graunt by these presents, that they shall not at any time hereafter giue, graunt, commit, bargaine, and sell the custodie of the said L. W. or their interest in the same by vertue hereof vnto any person or persons, without knowledge and agreement of the said maister and counsell for the time being. And the said L. N. W. and G. do couenanten for them and their assignes by these presents, that if at any time hereafter during the said custodie, any ward, benefice or spirituall promotion happen to fall voide or grow vpon the same manors and other the premisses, or any part of them; That then the said L. N. W. and G.

and

and their assignes, immediatly after knowledge thereof to them giuen shall certifie the same to the said Master and Councell for the time being, so that they may know the Queenes Maiesties pleasure for her Highnesse gift, and confirmation of the same. And it is prouided on the behalfe of the Quéenes Maiestie, by the sayd Master and Counsell, that if at any time hereafter it fortune the said couenants, conditions, or agréements, or any clause or article before mentioned, which are to be kept on the part and behoofe of the said L. P. W. and G. or their assignes, to be broken, vnkept, and not reformed within two moneths then next after lawfull warning thereof giuen: That then this present grant to be void and of none effect. And that immediatly vpon such default it shall bee lawfull to the said Master and Counsell, not onely to sequester and take the said custodie into the Quéenes Maiest. gift and order, and the same commit and dispose to any other person or persons during the lunacie of the said L. W. but also to distraine the goods and chattels of the said L. P. W. and G. and their assignes, and the same to withhold, bargaine and sell, to the vse of the Quéens Maiestie, vntill her highnesse be fully answered and paied to the value of the damage sustained by the breaking of the said couenaunts: any thing in this Indenture contained to the contrary notwithstanding. In witnesse &c. *vt supra*, Sect. 330.

A graunt of a Parkership.

Sect. 371

E. N. Miles, dominus de B. Omnibus &c. Noueritis me præf. E. dedisse, & per præsentes concessisse dilecto seruient meo R. C. custod siue officium custod Parci mei de E. in comit E. necnon fecisse & constituisse eundem R. parcar meum parci mei prędict. Habendum &c. dictam custod siue offic' per se vel per sufficient deputatum suum pro quo mihi respond voluerit, durante vita eiusdem R. cum vad trium denar per quemlibet diem annuatim durante vita sua, præcipiend per manus receptor, ball, firmar, seu alterius occupator cuiusdem dominij siue manerij mei de E. prædict qui pro tempore fuerit annuatim durante vita dicti R. de reddit & profic' eiusdem domin siue maner cu pertinentijs ad festa &c. per equales portiones: Ac vnam robam de secta valector meorum erga festum Natalis domin, quando ego & hęred mei liberatas huiusmodi dederimus. Et si contingat &c. *vt in aliis districtionibus.* Districtionesque sic capt licite asportare, abducere, fugare, & penes se retinere: quousque de vadijs prędictis & de omnib arrerag' eorundem si quæ fuerunt, sibi plenarie sit satisfact & psolut.

Quare

Quare Recept, ball, firmar, ac alij occupator cuiscunque domin siue manerij mei de E. prædict pſent & futur mando & præcipio quod de exit, reddit, firmis & proficuis dominij siue manerij mei prædict cũ pertinentijs soluat seu solui faciat præfat R. C. aut assignatis suis dict vad trium denar pro quolibet die ad festa pd equis portionibus de anno in annũ, & termin in term vita pd R. durant. Insuper noueritis me pfat E. dedisse, & per pſentes concessisse præf. R. C. pastur ad vnum equũ & quinq vaccas infra parcũ præd durant vita depascend. Habend eid R. vita sua durant, cum liberis introitu & exit, ad fugationem & refugationem eorundem absq contradictione aliquali: Ita tamen q idem R. C. officiũ prędict bene & fideliter custodiat & exerceat per se, seu p sufficient deputatum suũ exerceri faciat durante &c. de cui facto respondebit &c. In cuius rei &c.

A graunt of the office of keeping of a Parke with fee.

OMnibus &c. Noverit vniuersitas vestra nos intuitu boni obsequij dilecti seruientis nostri R. B. hactenus nobis in ecclesia nostra cathedrali Norwicen fideliter impens. p præsens scripe concessisse eidem R. custodiam parci nostri de H. ad totam vitam ipsius R. possidend, percipiend annuatim de manerio nostro de H. ad totam vitam ipsius R. p manus receptoris seu præpositi manerij pred qui pro tempore fuerit duos denarios per diem vna cum roba de secta valectorum nostrorum, erga festum Natalis Domini, quando nos & successores nostri liberat hmodi dederim. Et nos pfat W. Episcop, volumus & per præsens scriptum pro nobis & successoribus nostris concedimus, quod si dictus annus reddit a retro &c. *vt in diſtributionibus.* Ita tamen quod idem R. officium prędict bene & fideliter custodiat & exerceat, seu per sum deputatum exerceri faciat durante termino prædicto. In cui rei testimonium &c. Datum apud &c. Anno Domini 1592. anno consecrat nostræ decimo quarto. Sect. 372

A grant for keeping of a Manor, Parke and Lodge.

I Wil. Earle of D. Lord B. &c. To all Christian people to whom this present writing commeth, greeting in our Lord God &c. Whereas I. late Earle of D. mine auncestor, whose cosin and heire I am, by his letters Sect. 373

letters patents, dated &c. gaue and graunted vnto I. W. the maſterſhippe and office of the keeping of the game of his Parke of L. in the countie of D. and of the Lodge within the ſame, and the Bayliwicke or Bayliſhippe of all his manor of &c. And alſo by his ſaid letters patents, made, conſtituted, graunted and ordained the ſaid I. W. to bee his officer and keeper of the ſaid parke and lodge, to haue, occupie and enioy the ſaid office of keeper, and Lodge, to the fore ſaid I. W. and to his aſſignes for terme of his life, by himſelfe or his ſufficient deputie or deputies, with all maner of fees, wages, profites, and commodities to the ſaid office due or appertaining, in as large and ample manner, as any perſon or perſons before that time had, occupied, enioyed, or perceiued the ſame. Know ye, that I the ſaid I. W. now Earle of D. for diuers conſiderations me mouing, haue giuen and graunted, and by this my preſent writing doe giue and grant to my welbeloued friend T. P. gentleman, the keeping of the manor of L. and of the ſaid Parke, and of the Deere now therin, or that hereafter at any time ſhall be, immediatly after the death of the ſaid I. W. and as ſoone as the ſaid office, which the aboue named I. W. doth now enioy, ſhal happen to bee void by the ſurrender of the ſaid I. W. or by any other lawfull wayes or meanes: And the ſame T. P. doe ordaine, make and conſtitute by theſe preſents, to be keeper of the ſame manor, parke, lodge and deere, whenſoeuer it ſhall firſt happen to be voide, as is afore rehearſed. And furthermore know ye, that I the foreſaid I. W. Earle of D. do giue and grant vnto the foreſaid T. P. for his exerciſing and occuppying of the ſaid office, the yearely fee and wages of &c. immediately after the death of the ſaid I. W. withall profits, fees, wages, rewards, aduantages, and commodities to the ſame office in anie wiſe due and appertaining, in as ample manner and forme, as the ſaid I. W. or any other hauing or occuppying the ſame office had, or euer vſed and enioyed. And alſo the herbage and pannage of the ſaid parke of L. immediately after the death of the foreſaid I. W. and as ſoone as the ſaid office ſhall happen to be voide by ſurrender of the forenamed I. W. or by any other lawfull waies or meanes. To haue, hold, occupie, and enioy the ſame office of keeping of the ſaid manor, parke, lodge, and deere, immediately after the death of the ſaid I. W. and as ſoone as the ſame office ſhall happen to be voide, to the ſaid T. P. for terme of his life, by himſelfe or his ſufficient deputy or deputies, and to haue and to hold the ſaid wages and yeerly fee of &c. and the ſaid herbage and pannage, together with all other commodities, profits, and aduantages appertaining to the ſame, immediately after the death of

the

of the said I.W. &c. in as large and ample manner, as the said I.W. or any other persons heretofore had or occupied, for terme of the life of the sayd L.P. the same yearely fee or wages of &c. to be payed by the handes of &c. of the issues, profits, and reuenues of the same manor of L. at two feastes of the yeare &c. by euen portions: The first payment thereof according to the rate to begin at the first feast of the sayd two feastes, next after the death of the said I.W. &c. And I doe by these presents grant, that the payment of the sayd yearely fees and wages so hereafter to be made by any of the said Receiuors, Bailifes, or other officers, shall be vnto them and euery of them, a full and sufficient warrant and discharge in euery of their seuerall accompts, for so much therof as they and euery or any of them shall so pay, as is aforesaid, according to the true meaning hereof. And if it happen the said yearely fee or wages of &c. of the feastes afore rehearsed, at which it ought to be paied; that then it shall be lawfull to the said I.W. in the aforesaid manor of L. to enter and distraine, and the distresses there found, to driue, carrie, and beare away, and with him to hold, keepe and retaine till such time as all the portion of the said yearely fee or wages of &c. so due and behind hand be fully contented and paied, with the arrerages, if any there be. In witnesse &c.

A Grant for yeares of the Herbage and Pannage of a Parke, and with Turbarie, by the Queene vpon surrender of a former lease.

REgina omnibus ad quos &c salutem. Cum prædecessor noster H.viij. nuper Rex Angliæ per literas patentes sub magno sigillo suo Angliæ confect, gerent dat apud Westmon &c. ann regni sui &c. de aduisamēto dilector adtunc sibi R.S. milit, & T.M. milit consiliar suorum ac generalī superuis. terrar suarum, concesserit, tradiderit & ad firmam dimiserit dilecto adtunc sibi R.C. in comitatu suo C. yeoman, agistament & pannagium parcorum, turbar &c. infra forestam suam de M. in prædicto com suo C. adtunc vel antea in tenura siue occupatione R.M. existen parcel terr & possess. suar com Palantin C. pertin. Habend & tenendum agistament & pannagium præd ac cætera præmiss. cum pertinentijs pfat R.C. executoribus & assignatis suis, à festo S. Mic. archang' adtunc vlt preterit, vsque ad finem & terminum viginti & vnius annorum extunc proxim sequent & plenarie complend. Reddend inde annuatim dicto patri nostro, heredibus & successor suis ad scaccar suum C. pd x.li. &c. prout eidem patri nostro adtunc respons. fuit, & triginta solidos vltra de nouo approuamento per annum ad festa &c. Sect. 374.

&c. prout per easdem literas patentes inter alia plenius liquet & apparet. Quas quidem literas patentes & dimissionem dilectus nobis R. D. armiger, habeus totū ius, statum, titulum, & interesse R. D. de & in prēmissis nobis sursum reddidit & restituit cancellandum, & intentione, quod nos literas nostras patentes, & dimissionem nostram de eisdem præmiss. eidē R. D. in forma sequēt facere & concedere dignaremur: Quam quidem sursum redditionem acceptamus per præsentes. Sciatis igitur quod nos de aduisamento Thesaur nostri Angliæ, Cancellarij & Subthesaur Scaccarij nostri pro fine &c. ad recept Scaccar nostri ad vsum nostrum per prēd R. D. salut, tradidimus, concessimus, & ad firmam dimissimus, ac per prēsentes tradimus, concedimus, & ad firmam dimittimus præfat R. D. totum prēd agistament & pannagium parcorum, turbar, felic', croppō, & cortric', infra prēd forestam nr̄am de M. in dicto com nostro C. quondam in tenura siue occupacione prēd R. M. ac parcell' terr & possessiōn nostrar com Palantin C. præd pertinent. Habend & tenend agistament & pannagium prēd ac cætera præmiss. cum pertin prēf. R. D. executoribus & assignatis suis à festo S. Michael &c. ad finem & terminum viginti & vnius annorū extunc proxim &c. Reddend inde annuatim nobis hæred & successor nostris &c. ad festa &c. ad recept Scaccar nostri, seu ad manus Balliuorum vel recept prēmissor pro tempore existent per equales porciones soluend durant termino prēd. Prouiso semper, quod si contingat &c. *vt in aliis distributionibus*, quod tunc & deinceps hæc præsens dimissio & concessio vacua sit, ac pro nullo habeatur, aliquo in præsentibus in contrarium inde non obstante, aut aliquo statuto *vt supra* 357. In cuius rei &c.

A Grant of the office of the Clerke of the Hamper.

Sect. 375 REx &c. *vt supra* 327. dedimus &c. W. F. officium Clerici hanaperij nostri Cancellar nostr terrę nostræ Hibernię, & custodiam omnium & omnimodorum breuium, record, billar, filatiar, scriptor, & omnium aliorum record quorumcunque in Cancellar nostr prędict pro tempore existen ac ipsum W. clericum hanaperij cancell' terrę nostræ pd, & custod omnium & omnimodor record, billar, filatiar, scriptor, & omnium aliorum record quorumcunque in Cancellar prēd p tempore existent, fecimus, constituimus, & ordinauimus per præsentes. Habendum &c. Accipiend, leuand, & annuatim recipiend tam magn annualia, feoda, vadia, & regard, qualia N. W. vel aliquis alius, aut aliqui

qui alij ante hoc temp' prędt offic' occupans ſiue occupantes pro exercitio eiuſdem habuerit ſiue perceperit, aut habuerint ſiue perciperint ad feſta &c. pro termino vitæ dicti W. tam de exitibus, proficuis, aduantagijs & emolumentis hanaperij noſtri Cancell' noſtr' terræ Hiberniæ prędt prouenientibus ſiue creſcentibus p manus ſuas proprias, aſſignat' aut deputator' ſuorum, quam de reuentionibus, ſubſidijs, debitis, decimis, quintodecimis, & proficuis terr' nr' Hiberń prędt, Theſaur', ſubtheſ. vel generalis receptoris terr' nr' Hiberń prędict, vel eorum vices gerent' pro tempor' exiſtent', vnà cũ omnibus alijs ꝓficuis, aduantagijs, commoditatib', & regardis eiſdem officijs, ac eor' vterq; ptin' ſeu ſpectantibus, Ac in tam amplis modo & forma, prout dict' N. W. aut aliquis alius in officijs illis, aut eorum altero ante hoc tempus hauit ſiue pcepit, eo q; expreſſa mentio &c. Et ſpecialiter non obſtante ſtatuo, actu, aut ordinatiõ in quodam pliamento tent' apud villã nr'am de D. in terr' nr'a Hiberń præd' die Lun' porxim' poſt feſtum S. Andr' Apoſtol' ann' regni p̃chariſſimi patris noſtr' H. ſept' nuper regis Angliæ decimo, coram E.D.P. Militi deputat' ipſius dñi Regis patris nr'i terr' nr'æ Hiberń p̃d', ædit' in hęc verba: Qd' abinde & deinceps nullę perſoñ quæ habent poteſtat' ad adminiſtrandã iuſtitiam in dicta terr' norſta Hibernię, viz. Cancellar', Theſaur', Iuſtic' de Banco, & de communi Banco, capitalis & ſecund' Baro de Scaccario noſtro ibidẽ, Clericus ſiue Magiſter Rotulorum, ac omnes offic' computabil', non habeant de cętero aliquam authoritat' in talibus officijs ſuis per literas patentes dom' regis, niſi ſolummodo ad placitum & voluntatem domini Regis. Et ſi aliqua conceſſio nunc facta, vel in poſtor' fiend' alicuius vel aliquorum officiorum p̃d' alicui perſonæ in contrarium ſit fact', quod illa conceſsio adiudicetur vacua & nullius vigoris in lege: aliqua alia re, cauſa aut materia quacunq; in contrariũ inde non obſtante. In cui' &c. has literas nr'as fieri fecimus patent'. Teſte meipſa apud W. 3. die &c. ann' &c.

A Graunt of a Fellowſhip in a Hall or Colledge.

HEnrie &c. To our truſtie and welbeloued the Maſter of our Colledge called the Kings Hall within our vniuerſitie of Cambridge, and in his abſence to his Lieutenant or Deputy there, greeting: For as much as we be credibly informed, that our welbeloued ſubiect A.B. Scholler of our ſaid Vniuerſitie, is greatly deſirous and minded to continue at ſchole for the further increaſe in vertue and learning: we let you to wit, that conſidering his vertuous intent and purpoſe, for his better exhi- Sect. 376.

exhibition in that behalfe, wee haue giuen and graunted, and by these presents doe giue and graunt vnto him the rome of a Fellow, of and within our saide Colledge, if any bee now voide, or else the rome of a Fellow, within our said Colledge, which shall first and next fall voide within the same, by death, diuision, surrender, or otherwise: To haue and inioie the same rome, with all manner rights, profits, emoluments, and dueties thereunto belonging, to the said A.B. for terme of his life: with all benefit or benefits, pension or annuitie, not exceeding the yearely value of ten pounds, in as ample and large maner, as any heretofore hath had and inioyed the rome aforesaid, any acte, statute, ordinance, or any thing to the contrarie hereof in any wise notwithstanding. Wherefore wee will and commaund you, that according to the effect and purport of this our grant, ye do admit the said A.B. vnto the said rome of a Fellow accordingly. And these our letters shall be your sufficient warrant and discharge in this behalfe, Giuen &c.

A Grant of the office of a Receiuor and Surueior with fees.

Sect. 377

OMnibus &c. R. G. comes L. salutem in Domino sempiternam, Sciatis me pf. Comitem dedisse &c. F. H. generoso, officium Receptoris omnium exituum, proficuorũ, denariorum & summarum crescentium & peruenientium de omnib⁹ manerijs, terris & tenemẽtis, reditibus & hereditamẽtis meis quibuscunq; in comit B. &c. Ac etiam officium superuisoris omnium prędt maneriorum, terrarum, tenementorum, & hereditamentorum meorum quorumcunque: Ac ipsum W. H. receptorem, ac superuisorem maneriorum, terrarum &c. constituisse & ordinasse, prout p præsentes ordinauimus & constituimus. Habendum &c. in tam amplis modo & forma, prout aliquis alius, vel aliqui alij officijs prædict, seu eorum altero ante hęc tempora vsus fuit aut vsi fuerunt. Et vlterius sciatis me pręf. C. dedisse &c. pręfat W. H. pro executione & occupatiõ officiorum prędictorum quandam annualem redditum xl. marcarum &c. Habendum, leuandum &c. pro termino vitæ suę naturalis per manus suas proprias de exitibus & proficuis prędictorum maneriorum, terrarum &c. per equales porciones. Et si contingat prædict annualem redditum xl. marcarum aretro fore &c. vel in

Diſtrictionibus.

A Grant

A Grant of an Annuitie and reward out of the Hamper, Wine out of the Kings ſeller, Veluet out of the Wardrope, fee Deere, with licence to hunt.

REx &c. Sciatis qđ nos in cõſideratione boni et fidelis ſeruitij p dilectum nobis in Chriſto N. ante hęc tẽpora impenſi, dedim⁹ et cõceſſimus &c. eidem N. quandã annuitatem ſiue, annualẽ reddit quinquaginta libr̃ &c. annuatim habendũ de exitib⁹, reuentionib⁹, et proficuis hanaperij noſtri ꝑ tempore exiſtent̃. Habend &c. ꝓf. N. &c. de exitibus &c. *vt ſupra*, ad feſta &c. ſup ſola demonſtratione harum literar̃ noſtrar̃ patẽtium, ſeu earũ irrotulament̃ in dicto hanaperio noſtr̃ fact', vel alibi ꝓf. cuſtodi ꝑ tempore exiſtenti oſtenſ. abſque aliquo breui, vel aliquibus breuibus ſeu mãdatis, extra Cancell' nr̃am ſup eaſdẽ literas noſtras patẽtes ꝑſequend, ac ꝓf. clerico aut cuſtodi aliqualit̃ dirigend. Dedimus etiã & conceſſimus, ac ꝑ præſentes damus & cõcedimus eid N. ꝑ termino vitæ ſuę, vnum dolium vini Vaſconien', annuatim ꝓcipiend durante vita ſua ꝑ manus pincernæ noſtri Angliæ ꝑ tempore exiſtent̃ deliberand, de illo vino quod idem pincerna noſter pro tempore exiſtens habebit & recipiet ad vſum noſtrũ ratione officij ſui prædict'. Necnon damus et cõcedimus eidem N. ꝑ term̃ vitæ ſuæ annuatim tãtum ſerici Anglicè **Veluet**, de ſerico noſtr̃ de garderoba noſtr̃, & tantũ penellã de eadem garderoba noſtra annuatim ꝓcipiend & deliberand ꝑ manus Magiſtri garderobę noſtræ ꝓd' ꝑ tempore exiſtent̃, quantum ſatis erit et ſeruiet ad faciend ꝓd' N. vnã togã de ſerico, Anglice **Veluet**, et penelatã annuatim ꝑ term̃ vitæ ſuę de illis ſericis, Anglice **Veluet**, & penulis, de quibus Magiſter de garderoba noſtr̃ ꝑ tempore exiſtens annuatim recipiet & habebit ratione officij ſui ꝓdict'. Ac etiã damus & concedimus eidẽ N. annuatim durãte vita ſua duas damas idoneas, viz. vnam Anglice a **Buck of ſeaſon** in æſtate, et aliam Anglice a **Doe of ſeaſon** in hieme, in magno parco noſtro de W. in Com̃ noſtro de S. annuatim capiend & habend tam ꝑ ſeipſum quam ꝑ aliquem aliũ ſiue aliquos ꝑ ipſum aſſignand, ꝑ cuſtodes in parco noſtro ꝑ tempore exiſtent̃ eidẽ N. deliberañ. Et volumus et concedimus ꝙ bene liceat et licebit ꝓfat̃ N. & aſſignat̃ ſuis durante vita ſua prędt, annuatim venari et fugare in eodẽ parco noſtr̃ ꝑ ꝓdict̃ duabus damis capiend et interficiend & eas abinde cariandum, aſportandum, & habendum vbicunque placuerit ad voluntatem ſuam, ſine impedimento noſtro & hæred noſtrorum, foreſtarior̃, parcariorum, et aliorum, officiariorum et miniſtrorum noſtrorũ quorumcunq; durant̃ vita ſua. Et vlterius damus & Sect. 378

concedimus eidem N. centum libr̃ de dono et regardo noſtris de exitibus, reuentionibus, & proficuis hanaperij noſtri prędict̃ prouenient̃ ſiue creſcent̃, per manus prædict̃ Clerici ejuſdem hanaperij pro tempor̃ exiſtent̃, ſoluendum et deliberand̃ indilatè poſt oſtentioñ ſibi harum literarum noſtrarũ patentium, abſque compoto ſeu aliquo alio inde nobis vel hered̃ noſtris reddend̃ ſeu ſoluend̃ pro prędmiſſis ſeu aliquo prędmiſſ. Et volumus & concedimus quod prædict̃ Clericus de Hanaperio noſtro pro tempore exiſten̄, et prædictus Magiſter de garderoba noſtr̃ pro tempore exiſtens habeant plenam allocationem coram quibuſcũq; Auditoribus & Iudicibus noſtris in quibuſcunque curijs et locis ſuper ſpecialibus compotis ſuis faciend̃, de exitibus, reuentionibus, et proficuis ſeperalibus, ratione officiorum ſuorũ nobis emergentibus ſiue creſcentibus, videlicet, dictus Clericus hanaperij noſtri pro tempore exiſtens, tam pro annuali ſolutione prædicti annuitatis ſiue annualis redditus 50. libr̃, quam pro p̃dict̃ centum libr̃ de regardo noſtro præf. M. vt prędmittitur per nos conceſſ. Et prędict̃ Magiſter garderobę noſtrę prędict̃ pro deliberatione dicti annualis ſerici ſiue Veluet, et penularũ annuatim ad faciendum p̃fat̃ N. vnam togam penulatam. Eo qd̃ expreſſa mentio de vero annuo valore, aut aliqua alia certitudine p̃miſſorum, ſeu eorũ alicuius, aut de alijs donis ſiue conceſſionibus, per nos, aut aliquem progenitorum noſtrorum præfat̃ N. ante hęc tempora factis in præſentibus minimè facta exiſtit: aut aliquo ſtatuto, &c. *vt ſupra* 357.

A Graunt of the office of the Pipe in reuerſion.

Sect. 379. REx &c. Cum prędclar̃ pater noſter H. nuper Rex Angliæ ſeptimus per literas ſuas patentes, quarum dat̃ eſt apud Weſtmonaſteriũ 15. die M. anno regni ſui xxiij. ordinauerit, deputauerit, et conſtituerit dilect̃ ſibi T.B. ingroſſator̃ magni Rotuli in Scaccario ſuo, ſiue clericum Pipe ejuſdem Scaccarij, ac eidem T. officium ingroſſatoris magni Rotuli ſui, ſiue Clerici Pipe in Scaccario ſuo prędict̃ dederit et conceſſerit. Habend̃ et occupand̃ eidem T.B. per ſe, vel per ſufficientem deputatum ſuum, ſiue deputatos ſuos ſufficientes pro termino vitę ſuę: Percipiend̃ inde pro officio illo exercend̃, feod̃, vadium, regardum, liberatam, victum, & proficua, eidem officio quoquo modo debita, conſueta, ſiue ſpectant̃, in tam amplis modo & forma, prout aliquis alius dictum officium ante hæc tempora occupans & exercens habuit & per-

& percepit, in & pro executione eiuſdem officij: Soluend eidem T. de tempore in tempus annuatim limitand, percipiend, & aſſignand, ad terminos in dicto Scaccario ſuo ab antiquo limitat, ſuper ſola demonſtratione literarum dicti patris noſtri, ſiue earundem irrotulamenti, in dicto Scaccario ſuo facti & oſtenſi, abſque aliquo breui aut breuibus, ſiue mandato extra Cancellariam dicti patris noſtri ſuper eiſdem literis, pſequend, aut Theſaur & Baron de Scaccario ſuo aliquatenus dirigend, vna cum omnibus & omnimodis alijs proficuis, commoditatib⁹, aduantagijs, & emolumentis, dicto officio qualitercunque debitis, conſuet, ſiue ſpectantibus, prout in eiſdem literis plenius continetur. Sciatis quod nos ob certas grandes cauſas nos & Concilium noſtrum mouentes, & in conſideratione boni & acceptabilis ſeruitij, tam dicto pręclariſſimo patri noſtro Henrico nuper Regi Angl' ſeptimo, ac domin E. nuper Regi Anglię quarto Auo noſtro, quam nobis per dilectum ſeruientem noſtrum W. P. vnum Clericorum in officio priuati ſigilli noſtri multipliciter impenſ. & impoſterum impendend, de gratia noſtra ſpeciali ordinauimus, deputauimus, & conſtituimus præfat W. P. ingroſſatorem magni Rotuli in Scaccario noſtro, ſiue Clericum Pipæ eiuſdem Scaccarij: ac eidem W. officium ingroſſatoris magni Rotuli, ſiue Clerici Pipæ in Scaccario noſtro prędict' damus & concedimus per præſentes. Habend & occupand officium prędictum eidem W. per ſe, vel per ſufficientem deputatem ſuum, ſiue deputatos ſuos ſufficientes, pro termino vitę ſiue immediatè poſt deceſſum ipſius T. aut per reſtitutionem literarum patentium dicti patris noſtri eidem T. inde factarum, aut per reſumptionem, forisfacturam, vel depriuationem, ſeu aliquam aliam cauſam vel materiam quamcunque idem officium vacar, ſeu ad manus noſtras, aut donationem, diſpoſitionem, ſeu conceſsionem noſtram deuenire, accidere, ſeu pertinere contigerit: Et percipiend pro officio illo exercendo, feod, vadium, regard, liberatam, victum, & proficua eidem officio quoquo modo debit, conſuet, ſiue ſpectant, in tam amplis modo & forma, prout idem T. B. aut aliquis alius dictum officium præante occupans habuit & percepit, in, & pro exercitio & occupatione eiuſdem officij: Soluend eidem W. de tempore in tempus annuatim limitand, percipiend, & aſsign ad terminos in dicto Scaccario noſtro ab antiquo limitat, ſuper ſola demonſtratione præſentium literarum, ſiue earundem irrotulament in dicto Scaccario fact' & oſtenſi, abſque aliquo breui aut breuibus, ſeu mandato extra Concellariam noſtram ſuper eiſdem literis noſtris

prosequend', aut Thesaur' & Baronibus de dicto Scaccario nostr' aliquatenus dirigendo, vna cum omnibus & omnimodis alijs proficuis, commoditatibus, aduantagijs, et emolumentis dicto officio qualitercunq; debitis consuet' siue spectant'. Eo p̄ expressa mentio de vero valore annuo, aut quouis alio valore officij, vadior', feodor', p̄ficuor', commoditat', & liberat' p̄d' in literis nostris p̄d' fact' minime existit, aut eo p̄ p̄d' I. B adtūc superstes existit, aut aliquo statuto &c. *vt supra* 357.

A Manumission of a bondwoman, or graunt of libertie.

Sect. 380. VNiuersis & singulis Christi fidelibus præsentes literas inspecturis T.R. Miles dominus S. & M. Commitissa R. vxor &c. Cum I.B. alias dictus I.B. natiuus noster, filius R.B. alias dict' R.B. natiui nostri, spectantis siue appendentis manerio nostro de P. in Com̄ C. in villenagio procreatus fuerat ac est pro talis communiter dictus, tentus, habitus, & reputatus palā, publice, et priuate: Noueritis nos T.R. &c. certis de causis veris & legitimis, nos et animos nostros in ea part' mouentibus, pro nobis et hæredibus nostris imperpetuum manumisisse, liberasse, et ab omni iugo seruitutis et villenagij exonerasse prout p̄ p̄sentes nostras literas patentes manumittimus, liberamus et exoneram⁹ p̄dict' I. B. cum tota sequela sua procreata et procreanda, bonis et catallis, terris, et tenementis suis perquisitis, siue imposterū perquirendis quibuscunque. Sciatis etiam nos præfat' T. et M. remisisse, relaxasse, ac omnino pro nobis, heredibus, et executoribus nostris imperpetuū quiet' clamasse, sicut per præsentes nr̄as literas relaxamus, remitt', et quiet' clamamus eisdem I.B. alias dict' I. B. hæred' suis, & tot' sequelæ suæ, omnes et onimodas actiones reales et personales, sectas, querelas, seruitia, calumnias, transgressa, debita, et demanda quæcunque, quæ vers⁹ eundem I.B. alias dictum I.B. vel aliquos hæred' seu sequelarum suarū aut eorum aliquem habemus, habuimus, seu quouismodo haber' poterimus, aut hæred' nostri habere poterint in futurum, ratione seruitutis et villenagij prædict', vel aliqua quacunque de causa ab origine mundi, vsque in diem confectionis p̄sentium. Ita videlicet quod nec nos prędict' T. dominus S. M. Comitissa R. nec alter nostr', nec hęredes nostri, nec aliquis alius per nos, pro nobis, seu nomine nostr', aut alterius nostrum, aliquam actionem, ius, titulum, clameū, interesse, seu demaund', villenagij vel seruitutis per breue domini Regis, seu aliquo modo quocunque versus dictum I. B. alias dict'

I.B

I.B. aut ſequelam ſuam, poreaꝝ ſeu procreandꝝ, bon aut catalla, tꝛ aut tenementa ſeu perquiſita, vel in poſterum perquirend de cetet exigeꝝ, clamare ſeu vindicare poterimus, poterit aut vnquam poterint in futurum, ſed, totaliter ſimus imperpetuum exinde penitus auerſi p preſentes. Et nos vero pd T.S. & M. & hered noſtri pfat I.B. alias dictum I.B. cum tot ſequela ſua procreat ſeu procreanda liberos ergo gentem omnem warrantizabimus imperpetuum per preſentes. In cuius &c.

Another forme of Manumiſſion in Engliſh.

TO all Chriſtian people, to whom theſe preſents commeth, I. earle of R. Lord S. and of R. ſendeth greeting in ec. Be it knowne vnto all people, that whereas wee by the information of diuers perſons haue made title and claime to one I.T. of L. in the County of O. and to one W.T. brother to the ſame I.T. of S. in the county of R. and all their iſſues of their bodies comming to be villeins, and bound vnto vs, and appendant to our manor of I. in the countie aforeſaid. And foraſmuch as we find neither proofe nor ſufficient ground whereby we may vnderſtand that the ſaid I. and W. or any of their iſſue ſhould bee villeins or bound vnto vs, but by euident proofe in ſundrie wiſe brought and ſhewed to vs, we rather vnderſtand the contrary to bee true: therefore wee being deſirous to ſet all doubtful matter apart, and willing alſo the ſaid I. and W. to bee no further grieued or moleſted wrongfully without ſufficient cauſe, and that they may from henceforth liue in ſurety of the ſame, haue remiſed, releaſed ec. *vt ſupra in the former Manumiſſion of a bond-man.* Sect. 381.

Attornement.

The forme of indorſing or making of Attornement of tenants.

AND becauſe lands and tenements and ſuch things as naturall lye in graunt, cannot bee transferred from one to another by bare grants of the parties, without the attornement and agreement of others, it is meete ſomewhat to diſcourſe of Attornement. Sect. 382.

An Attornement therefore is the agreement of the tenants of the Land, which is when the ſeignioric, rent, reuerſions or remainder is graunted vnto him to whom the ſame is graunted. And euery attorne-

ment is either actuall, or in law: an actuall attornement is the expreſſed conſent of the tenant to ſuch grant in any ſuch deed by any ouert or open act, as by ſaying, I become your tenant according to this deed: Or that he liketh wel therof, or is contented therwith, or that he attorneth tenant to the grantee according to the tenor therof, giuing to him ſome mony in name of attornment &c. Litt. ſect. 551. Plow. 25. a. 344. a. Attornement in law is when the perſon that ought to attorne doth not by plaine and expreſſe words, as is aforeſaid, declare his conſent to ſuch a grant, but doth ſome other ſuch act as in law ſufficiently implyeth and argueth his agreement therunto: As if there be Lord and Tenant, and the tenant leaſeth for life to a woman, the remainder in fee to another, & the woman taketh an husband, to whom the Lord granteth the ſeruices: Or if there be Lord and Tenant who marieth a wife, and after the Lord granteth the ſeruices to her, & her husband accepteth the deed: Or if a leaſe be made for life or yeares, and after he that hath the reuerſion or remainder granteth the ſame to his leſſee, who accepteth of the deeds. Theſe and ſuch like be attornements in law. Litt. Sect. 558. 559. 560. 561. 564. &c.

Attornement for tenant for life.

Sect. 383 MEmorandum that the within named E. B. being tenant for term of life of the land̄ of D. and other the lands and inheritance expreſſed in this Indenture, did the 5. day of J. in this preſent moneth of June the 32. yeare of the Queenes Maieſties raigne that now is, attorne vnto the within named J. B. according to the effect of the grant mentioned in the ſaid Indenture: And for proofe thereof did giue vnto him the ſaid J. in the name of Attornment, the ſumme of iiij. d. of lawful English money, in the preſens of theſe perſons whoſe names are ſubſcribed viz. A. B. C. D. &c.

Or thus by diuers tenants

Memorandum that the perſons whoſe names are vnder written, 3. die I. & añ &c. did attorne and become tenants vnto the within named E. B. and D. his wife, according to the purport of the leaſe within mentioned. And for proofe thereof euery one of them did giue vnto the ſaid E and D. one penny in the name of Attornement.

Or thus in Latine.

Memorand etiam quod 1 &. die M. anno ſuprad, R. S. G. H. G. C. &c. ten diuerſarum parcellarum tenementorum prædictorum ex ſe-

peralibus

peralibus dimiſſionibus dict̃ T.W. ſuper tent̃is p̃d̃ ſe p̃f̃ T.W. & T.S. inde atturnauerunt tenent̃, ipſiq; ſinguli dederunt p̃f̃ T.W. & T.S ſingulos denarios nomine atturnamenti pred̃ &c. in p̃ſentia teſtium p̃d̃ & aliorum, ſcilicet A.B. &c.

Or thus with Liuerie of ſeiſin alſo.

SCiatis, q̃ poſſeſſio & ſeiſina de terris & ten̄tis infraſcript̃, capt̃, & deinde deliberat̃ fuit infraſcript̃ S.P. infranomiñ W.S. decimo die Iunij, añ infraſcript̃, ad vſum infraſcript̃, & ſecund̃ tenor̃ hui' præſentis chartę indentat̃: Necnon eodem die apud M. p̃d̃ infranomiñ T.W. tenens vnius clauſi, parcell' præmiſſ. vocat̃ C. p̃ termino vitę ſuæ, & vni' anni vlterius p̃ eod̃ clauſo, tam eidē S. q̃ infranominat̃ E.S.R.G. & E.M. ſecund̃ tenor̃ huius chart̃ indentat̃ attorn̄ & liberauit eidē S. vnum denar̃ legal' monet̃ Angl' in nomine atturnac' & ſeiſin̄ reddjtus ſui, per ipſum annuatim ſoluend̃ p̃ eodem clauſo durante termino præd̃, in p̃ſentia W.N. &c.

A Deed of Atturnement.

OMnibus &c. T.H. &c. Cum ego p̃d̃ H. habeam & teneā p̃ termiñ vitæ meæ vnum ten̄tum cum ſuis p̃tiñ in villa de C. voc' D. quod quidē ten̄tum cum ſuis p̃tiñ, & reuerſionē inde (cū acciderit) poſt meū deceſſ. T.B. p̃quiſiuit de W.H. filio meo & hæred̃ apparenti: Noueritis me p̃f̃ H. poſuiſſe p̃d̃ T.B. in pleñ & pacific' poſſeſſion̄ & ſeiſin̄ de reuerſione dicti ten̄ti, cum oīb̃ ſuis pertiñ, per ſolution̄ vnius denarij argenti eidem T.B. in cuius &c. Sect. 384.

Another Deed of Atturnement.

OMnibus &c. H.A. &c. Cum ego p̃d̃ H. habeā & teneam p̃ termino vitæ meæ vnū tenementum cum &c. Cui' quidem tenenti & ceter̄ p̃miſſ. cum ſuis p̃tineñ reuerſio quibuſd̃ R.S. & A. N. ſpectat. Ac etiam cum ego p̃d̃ H. A. habeam & teneam p̃ termino vitę meæ vnū aliud tenement̃ &c. cuius ten̄ti & cęterorum p̃miſſ. reuerſio p̃f̃ R.S. ſpectat. Et quia mihi præf. H. ad p̃ſens ſatis conſtat, q̃ p̃d̃ R.S. p̃ſecund̃ ſcript̃ ſua ſeperalia, gerē dat̃ &c. anno &c. bargaiñ, dederit, & conceſſerit, ac p̃ illud ſcript̃ ſuū confirmauerit W.P. & A. vxor̄ eius, & hered̃ ſuis, reuerſiones dictorum ten̄torū & cæterorum præmiſſorum, prout per ſcript̃ illa liquet: Noueritis me nunc præfat̃ H. tenentem Sect. 385

dictorum duorum tenementor & ceterorum premissor cum ptin, vt
prȝd est, ex mera spontanea voluntat mea; plat W.P. & A. vxor eius,
ratione dict concessionis dict reuersionis, de, & in pd tenementis & ceteris
pmissis sic p me iam tent, p solutionē vnius denarij attornatis, & quan-
tum in me est, dict donac', concessionis, & contract dict reuersion tene-
mentorum, ac ceterorum pmiss. cum suis ptin in forma prȝd fact assen-
sum, & consensum pbuisse, & illa approbasse imperpetuum per psentes.
In cuius &c.

A Grant of Lands in fee simple by the King to be holden in Capite.

Sect. 387

REX &c. Sciatis q nos p summa &c. legalis monet Angl ad manus
Thesaur Cur nostræ reuentionum Coronæ nræ ad vsum nostrum
p dilect nobis H.W. bene & fidelit psoluat, de gratia &c. dedimus &c.
eidem W.H. totum scitum & capitale mesuag' manerij nostri de R. in
R. in Com nostro N. nuper Monaster de C. in eodem Com nostro N.
modo dissolut dudū spectant & ptinen, ac parcellā possess. inde existēt,
ac omnes terras dnicales manerij pd: Necnon ora Mesuagia, domos,
horrea, ædific', hortos, pomaria, gardina, curtilag', terr, prata, pascua,
pasturas, aquas piscarias, communias, iura, commoditates, & hereditamenta nostr quecunq; cum suis pertinentijs vniuersis in R. in Com pd, ac
alibi vbicunque in eode Com, dict' capitali mesuag' manij pd quoquo
modo spectantia vel pertin, cum eodem capitali mesuag' dimissa, vsita-
ta, seu occupata existen ac nup in tenura T.H. armigeri, & modo in te-
nura seu occupatione dicti H.W. cum dicto capitali mesuagio existen,
Ac etiam omnes & omnimodos boscos, &c. in, et super dictis terr & ce-
teris pmissis cresen et existen. Damus etiam ac p psentes, p considera-
tione pd concedim' pd H.W. aduocationem, donationem, liberā dispositionē, & ius patronatus, Rectoriæ & Ecclesiæ pochialis de A. in dicto
Com nro N. habend &c. (vt in premissis) & cetera omnia & singula p-
missa superius expressa & specificata, cum suis pertinen vniuersis pfat
H.W. hared & assignatis suis in perpetuum. Tenend de nobis, hered,
& successoribus nostris in capite, per seruic' &c. Ac reddend inde an-
nuatim nobis, hered, et successorib' nostris xx. s. ad Curiā nostr Aug-
mentationum reuenc Coronæ nostr, ad festa &c. singulis annis solu &
pro omnibus redditibus, seruitijs, & demandis quibuscunque proinde
nobis, hæredibus, vel successoribus nostris quoquo modo reddendis,

ſoluēdis, vel faciendis. Et vlterius, volumus, & per pręſentes concedimus præfat H. W. hæred & aſſignatis ſuis, quod nos & hæredes & ſucceſſores noſtri in perpetuum annuatim, & de tempore in tempus exonerabimus, acquietabimus, & indemnes conſeruabimus eundē H W. hęredes & aſsignatos ſuos, verſus nos, hæredes & ſucceſſores noſtros, & verſus quaſcunque alias perſonas, de omnibus & commodis redditibus, feodis, annuitatibus, pencionibus, & denariorum ſummis quibuſcunque de pręmiſsis, ſeu de aliquo præmiſsorum exeunt ſeu ſoluendis, vel ſuperinde oneratis, ſeu onerandis, præterquam de redditu & ſeruicio ſuperius per præſentes reſeruatis. Volentes etiam & firmiter iniungedo pręcipientes, tam Cancellario & Concilio dictæ Curiæ noſtrę Augmentationum reuentionum Coronę noſtr pro tempore exiſtentibus, quam omnibus & ſingulis Receptoribus, Auditoribus, & alijs officiarijs & miniſtris noſtris quibuſcunque, hæred, & ſucceſſorum noſtrorum, quod ipſi eorum quiſque ſuper ſolam demonſtrationem harum noſtrarum literarum patentium, vel ſuper irrotulamento earundem, abſque aliquo alio breui ſeu warranto à nobis, hęred, vel ſucceſſoribus noſtris quoquo modo impetrand, obtinend, proſequend, ſuper ſolutione dicti annui redditus xv. s. nobis, hęred' & ſucceſſoribus noſtris ſuperius per preſentes vt præfertur reſeruatis, plenam, in tegram, debitamque allocationem et defalcationem, deductionem, & exonerationem manifeſtam, de omnibus & omnimodis huiuſmodi redditibus, feodis, annuitatibus, pencionibus, & denariorſummis, de præmiſsis, ſeu de aliqua inde parcella (vt præfertur) exeunt ſeu ſoluend præfato H. W. hæred & aſsignatis ſuis facient & fieri curabunt. Et hæ literę noſtræ patentes & irrotulamenē earundem erunt annuatim, & de tempore in tempus, tam dicto Cancellario & Concilio noſtro dictæ Curię noſtræ Augmentationem reuentionum Coronæ noſtrę pro tempore exiſtēn, quam omnibus Receptoribus, Auditoribus, & alijs officiarijs & miniſtris noſtris, hæred & ſucceſſorum noſtrorum quibuſcunque, & eorum cuilibet ſufficiens warrant & exonerario in hac parte. Et inſuper de ampliori gratia noſtra damus, & per pręſentes concedimus præfato H. W. omnes exitus, redditus, reuentiones, & proficua omnium & ſingulorum pręmiſſorum ſuperius expreſſorum & ſpecificatorum, cum pertinentijs, à feſto Sancti Michaelis Archangeli vltimo præterito hucuſque prouenien ſiue creſcēn. Habend' eidem H. ex dono noſtro abſque compoto ſeu aliquo alio proinde nobis, hæredibus, vel ſucceſſoribus noſtris quoquo modo reddendo, ſoluendo, vel faciendo. Et vlterius de vberiori gratia noſtra volumus, pro nobis &c. per præſentes

con-

concedimus pręf. H. W. q̄ habeat, & habebit has literas nostras patent̄ sub magno sigillo nostro Angliæ, debito modo factas & sigillat̄, absque fine seu feodo magno vel paruo proinde nobis in Hanaperio nostro seu alibi ad vsum nostrum quoquo modo reddend̄, soluend̄, vel faciend̄: Eo q̄ expressa mentio (*vt supra* 357.) In cuius &c.

A Grant of a Maner with the Aduowson appendant.

Sect. 387

REx &c. Sciatis quod nos ex gratia nostra speciali, in consideratione veri & fidelis seruitij, quod dilectus seruiens noster A. B. nobis pręstitit, & durante vita sua pręstare intendit, dedimus & concessimus, ac tenore præsentium damus & concedimus pręfat̄ A. manerium nostrum de B. cum suis membris & pertineñ in comitatu nostr̄ S. Necnon Rectoriam de B. in eodem comitatu S. Ac Aduocationem Ecclesię de B. prædict̄, vna cum omnibus & singulis suis glebis, decimis, oblationibus, mortuar̄, porcionibus, pensionibus, & alijs proficuis quibuscunque eidem Rectoriæ de B. aliquo modo pertineñ siue spectantibus. Ac etiam Aduocationem & Patronatum Vicariæ de B. prædict̄, cum suis iuribus & pertineñ vniuersis: Necnon omnia & singula mesuag', terras, tenementa, prata, pascua, pasturas, boscos, subboscos, redditus, reuersiones, molendina, seruitia, feoda Militum, ward̄, maritagia, releuia, eschaetas, communias, aquas, stagna, vastas, warrennas, libertates, franches. Curias Let̄, ac perquisit̄ Curię, Aduocation Patronat̄ Vicarię de B. prędict̄, ac etiam omnes alias Aduocationes & Patronat̄ Ecclesiarum, Capellarum, Cantuariorum, ac alia iura & hæreditamenta quæcunque, cum suis pertinentijs vniuersis in B. p̄dict̄, ac alibi vbicunque pręd̄ Manerio, Rectorię, Vicariæ, seu eorum alicui spectañ, siue aliquo modo pertineñ, aut quæ vt membra vel parcella eorundem Maner̄, Rectoriæ, Vicarię, siue eorum alicuius habita, cognita, siue reputata fuerunt: Quod quidem Maneriū de B. necnon Rector̄, Vicarię, terr̄, tenement̄, & cętera omnia & singula p̄missa cum eorum ptiñ, inter alia ad manus nr̄as deuenerunt, ac in omnibus nostris iam existunt &c. de termino S. Trinitatis, anñ regni nostri 29. plenè liquet. Habend̄ &c. (*vt supra in premissis*) pręfat̄ A. B. & hæred̄ masculis de corpore suo legitime procreatis. Tenendum de nobis & hęredibus nostris in capite, p̄ seruic' quinq; partis vnius feodi Militis p̄ omni seruic', exactione, & demanda quacunq; absq; compoto, seu ratiocinio, siue aliquo alio nobis, hæredibus, aut succeſſ. nostris p̄ eisdem reddendo, vel faciendo. Et vlterius ex vberiori gratia nostra dedimus & concessimus, ac tenore

pro

præſentium damus & concedimus pꝛ. A. B. omnes & ſingulos exit' &c. *vt ſupra proxima Sect.* Eo q̃ expreſſa mentio &c. In cuius &c.

A Grant of the Patronage of a Parſonage in fee, with an aſſignement of a terme for yeares of the glebe and tythes.

THis Indenture made the ꝛc. day of M. in the ꝛc. of the raigne of Sect. 388
our Soueraigne Ladie ꝛc. betweene G. T. of ꝛc. of the one partie, and T. W. of the other partie, Witneſſeth, that whereas Y. T. of ꝛc. by his Indenture, bearing date ꝛc. foꝛ the conſiderations in the ſame deede mentioned, did giue, graunt, ꝛc. vnto the ſaid G. T. his heires and aſſignes, all that the Aduowſon, Patronage, free gift, and right of pꝛeſentation, of, and to the pariſh church of S. in the countie of ꝛc. and all the eſtate, right, title, and intereſt of y̑ ſaid Y. T. of, in, and to the ſame. To haue and to hold ꝛc. vnto the ſaid G. T. his heires and aſſignes, to the onely vſe and behoofe of the ſaid G. his heires and aſſignes foꝛ euer. To hold ꝛc. And moꝛeouer where the ſaid Y. T. did by the ſame Indenture giue, graunt ꝛc. vnto the ſaid G. T. his ꝛc. all his eſtate ꝛc. and terme of yeares, which hee then had, oꝛ of right ought to haue had, of, in and to the ſaid Rectoꝛie, parſonage and other glebe lands of S. afoꝛeſaid, and of, in, oꝛ to all and ſingular the tithes of coꝛne, graine, hay, wooll, lambe, milke, calfe, and other tithes, both pꝛediall and perſonall whatſoeuer, yeerely comming, gꝛowing, ariſing, renewing, accrewing, oꝛ increaſing within the towne, fieldes, and pariſh of S. afoꝛeſaid, and which Rectoꝛie, Parſonage, and glebe landes, tithes, and other the pꝛemiſſes, the ſaid Y. T. did hold and inioy by foꝛce of a leaſe thereof to him made, by one L. G. then and now parſon of S. afoꝛeſaid, foꝛ and during the naturall life of the ſaid L. And whereas alſo in the ſayd Indenture, one pꝛouiſo was contained in effect following, that is to ſay, that when and as ſoone as the ſaid Y. T. his heires ꝛc. ſhould haue ſaued harmeleſſe, and fully diſcharged the ſaid G. T. his heires ꝛc. and all their goods and chattels, of, and from one Obligation, in the ſaid Indenture mentioned, wherein and whereby the ſayd G. and Y. ſtood ioyntly bound vnto one W. C. in the ſaid Indenture likewiſe named, and haue fully peꝛfoꝛmed the condition of the ſame obligations and euery of thē, that then, and at all times after whenſoeuer the ſaid G. his ꝛc. ſhould and would make oꝛ cauſe to be made, vnto the ſaid Y. T. his heires ꝛc. ſuch good, perfect and ſufficient aſſurance and conueiance in law, of the

ſaid

said Aduowson, Patronage, free gift, and right of presentation, to the Church of S. aforesaid, as hee the said Y. his heires or assignes, should reasonably deuise and require. And also, that he the said G. his &c. should and would in like sort make, or cause to be made, vnto the said Y. his executors &c. such good, perfect, and sufficient conueyance and assurance in the law, of the before mentioned lease of the foresaid Parsonage of S. with the tythes thereof, and of all other things, before by the saide Indenture bargained and sold, as hee the said Y. T. his executors or administrators, shall reasonably deuise, and require, as in and by ỹ said recited Indenture, amongst diuers other things, more at large it doth and may appeare. And whereas the said Y. T. or his assignes, haue not saued harmeless, or otherwise discharged the said G. T. from the obligation in the said Indenture mentioned, nor did performe the condition of the said obligation, according to the tenor, effect, and true meaning of the same condition: Now the said G. T. for good causes and considerations him specially moving, hath giuen, graunted, &c. and by these presents doth clerely, freely, and absolutely giue, graunt &c. vnto the said T. W. his heires and assignes for euer, all that the said Aduowson, Patronage, free gift, and right of presentation, of, and to the said parish Church of S. aforesaid, in the said county of D. and all the estate, right, title, and interest of the said G. T. of, in, and to the same, and all deedes &c. concerning the same. To haue and to hold &c. And moreouer the said T. G. for the consideration aforesaid, hath clerely and absolutely giuen, granted, &c. vnto the said T. W. his &c. all the said estate and terme of yeres, before recited, and to the said Rectorie &c. To haue and to hold the said Rectorie &c. to the said T. W. his executors and assigns, for, and during all such terme, time, and interest, as are or should be yet to come, by force of the said demise and grant made to the said Y. T. In witnesse &c. whereof &c. Hereunto adde necessarie Couenants.

A Graunt of a Manor

Sect. 389

HEnricus &c. Sciatis quod nos &c. (*vt supra* 389.) per A. B. & I. P. vnde fatemur nos fore plenarè satisfactos & contentos, eosdemque A. & I. acquietamus, de gratia &c. totum illud dominium & manerium nostrum de F. cum iuribus, membris, & pertinen̄ vniuersis in Comitatu nostro G. nuper Monasteri de W. in eodem Comitatu nostro de G. modo dissolut̄, dudum spectant̄ & pertinent̄, ac parcell̄ possessionum & reuentionum eiusdem nuper Monasteri dudum existen̄,

ac

ac omnia & ſingula meſuagia, molédia, toft, cottagia, curtulag', domos, edificia, ſtructuras, columbar, horr, pomaria, gardin, terras, prata, paſcuas, paſturas, boſcos, ſubboſcos, reddit, reuerſiones, ſeruic', reddit oneris, reddit ſiccos, ac redd ſuper quibuſcunque dimiſſionibus et cõceſſionib', reſeruat, annuitat, ac omnes & omnimodas decimas cuiuſcunq; generis ſeu nature fuerint: Necnon feodi firmas, aquas piſcar, iampn, bruer, moras, mariſc', warrect', moras, warrenn, communes vias, vacuas fundos, natiuos, villanos cum eorũ ſequel', feod Militum, warda, maritag', eſcheat, releuia, heriot, curias let, viſus francipleg' quæ pertinent, ſeu in poſterum ſpectare poſſunt aut debent, bona & catalla waniat, bona & catalla feloñ, tam de ſe, quam aliorum feloñ, fugitiuorum, conuict', aut quoquomodo damnatorum ſeu conuictorum extra cur, & alia noſtra iuriſdictiones, priuileg', et libertat, emolumenta, proficua, commoditat, et hæreditamenta noſtra quæcunque cum eorum ptinentijs vniuerſis, ſituat, iacen, & exiſten in villis et campis, parochia ſeu hamletis de F. in dicto comitatu noſtro G. ac alibi vbicunque in eodem comitat, dictis domo & manerio pertinen aut quoquomodo ſpectant, aut vt membrum, pars, vel parcell' eiuſdem domus et manerij ante hac habit, cogn, accept, vſitat, reputat, demiſſ. ſeu locat exiſtent, aut cum eadem domo aut manerio, occupat, ſeu qualitercunque vſitat: Ac omnes & ſingulos boſcos & ſubboſcos, & arbores noſtras quaſcunque, de, in, vel ſuper p̃dict' manerio et domo, et cęteris præmiſſis, aut aliqua inde parcell' creſcent ſiue exiſtent: Ac totam terram, ſundum, & ſolum eorundem boſcor, ſubboſcor, & arborum, & eorum cuiuſlibet: Necnon reuerſionem & reuerſiones omnium & ſingulorum præmiſſorum, & cuiuſlibet inde parcell', ac reddit, reuerſion, ac cætera aduantagia & proficua quæcunque, ſuper quibuſcunque dimiſſ. conceſſ. præmiſſ. aut alicuius inde parcell' fact ſeu reſeruat. Damus etiam pro conſideratione prædict', ac ex certa ſcientia & mero motu noſtris per preſentes concedimus pręfat A. B. & I. P. aduocationem, donationem, præſentationem, liberam diſpoſitionem, & jus patronat Rectoriæ & Eccleſiæ de S. in comitatu noſtro R. nuper Monaſter de A. in eodem comitatu noſtro B. modo diſſolut, dudum ſpectant ſiue pertinent. Damus etiam pro conſideratione prædict', ac ex certa ſcientia & mero motu noſtris per præſentes concedimus præfatis A. B. & I. P. omnia & ſingula dominia, maneria, meſuagia, terras, tenementa, prata, paſcua, paſturas, boſcos, ſubboſcos, reddit, reuerſiones, ſeruic', decimas, aduocationes, ac cætera omnia & ſingula præmiſſa ſuperius expreſſa & ſpecificata cum pertinentijs, adeo plene, libere, integre, & cum omnibus

nibus eisdē huiusmodi, & consimilibus libertat̄ & immunitatibus quibuscunque, in tam amplis modo & forma, prout nuper Abbas dicti nuper Monaster̄ de W. ac vltimus Abbas dicti nuper Monaster̄ de A. aut eorum alter, aut aliquis vel aliqui prædecessores sui in iuribus eorundem nuper Monaster̄, seu eorum alterius aliquo tempore ante dissolutionem, siue sursum redditionem eorundem nuper Monaster̄, seu eorū alterius, vel antequā nuper Monaster̄ ill', seu eorum alterum ad manus nostras deuener̄, prędict̄ dominium, mesuagium, terras, tenement̄, decimas, aduocationes, ac cætera prędmissa, aut aliquam inde parcellam habuit, tenuit, vel gauisus fuit, habuer̄, tenuer̄, vel gauisi fuerunt, seu habere, tenere, vel gaudere debuerunt. Et adeo plene, liber̄, integre, ac, in tam amplis modo & forma, prout ea omnia & singula ad manus nostras ratione vel prætextu alicuius chartæ, doni, concession', confirmation̄, siue sursum redditionis per dictum nuper Abbat̄, & eorum nuper Conuent̄, dictorum nuper Monaster̄, seu eorum alter̄ sub sigillis conuentualibus, aut sub sigillo Conuentuali eorum alterius inde nobis confectarum, aut ratione vel prætextu alicuius actus Parliamenti, aut aliter quoquo modo deuenerunt, seu deuenire debuerunt, ac in manibus nostris iam existunt, seu existere debent vel debuerunt: Exceptis tamen semper nobis, hæredibus, & successoribus nostris omnino reseruat̄ omnibus & singulis aduocationibus, donationibus, præsentationibus, & iuribus patronat̄ quibuscunque dicto dominio & manerio & alteri præmiss. aut alicui inde parcell' quoquo modo spectant̄ vel pertinentibus, præter prædict' aduocationem, donationem, præsentationem, & ius patronat̄ Rectoriæ & Ecclesiæ de S. prædict'. Quæ quidem dominium, manerium, mesuagia, terræ, & tenementa, & cætera præmissa modo extendunt ad clarum annualem valorem &c. Habendum, tenendum, & gaudendum prædict' dominum, manerium, mesuag', terras, tenementa, prata, pascua, pasturas, boscos, subboscos, redditus, reuersiones, seruic' decimas, aduocationes, cur̄, & visus francipleg', hæreditamenta, & cætera omnia & singula præmissa cum pertinentijs, (exceptis præexceptis) præfatis A. B. & I. P. hæredibus & assignatis suis imperpetuum, ad solum et proprium vsum ipsorum A. & I. ac hæredum & assignatorum suorum imperpetuum. Tenend̄ &c. *(vt supra 386.)* Et vlterius &c. *(vt supra 386.)* præfat̄ A. & P. ac hæredibus & assignatis suis, quod ijdem A. & P. hæredes & assignati sui, habeant, teneant, & gaudeant, aut habere, tenere, & gaudere valeant & possunt infra prædict' dominium, manerium, mesuagia, terras, tenementa,

menta, ac cætera præmiſſa, & infra quamlibet inde parcell' tota talia tanta, hujuſmodi, & conſimil' cur', leet', viſus francipleg', & omnia quæ ad cur', leet', & viſus francipleg' pertinent, ſeu impoſterũ ſpectare poſſint aut debent, fines, amerciament', aſſiſas panis, vini, & ſeruitiæ, liberas warrẽnas, decimas, bona & catalla wauiat', bona & catalla feloñ, tam de ſe, quam aliorum feloñ, fugitiuorum, vtlagat', attinct' ſeu conuict', wauias, extrahur', & alia jura, juriſdictiones, priuileg', libertat', franchiſ. proficua, commoditat', emolumenta, & hereditamenta quæcunque, quot, qualia, quanta, & quæ dict' nuper Abbas dict' Monaſterij (ante illud ad manus noſtras deuenit) in prædictis dominio, manerio, & cęteris pręmiſſis, aut in aliqua inde parcell', habuit, tenuit, & gauiſus fuit, habuerunt, aut tenuerunt prætextu alicuius chartæ, doni, concesſionis, ſiue confirmationis, aut literarum patentium, per nos, ſeu per aliquem progenitorum noſtrorum prefat' nuper Abbati & nuper Conuent' dicti nuper Monaſter' de Weſtmonaſter', aut alicui, vel aliquibus prædeceſſorum ſuorum quoquo modo fact' vel conceſſ. aut ratione vel prætextu alicuius præſcriptionis, vſus, ſeu conſuetudinis, antehac, aut aliter quoquo modo legitimo habit' aut vſitat'. Volumus etiam pro conſideratione prædicta *(vt ſupra 386.)* præfat' A. & I. P. hæredibus & aſsignatis ſuis, quod nos, hæredes, & ſucceſſores noſtri imperpetuum annuatim, & de tempore in tempus acquietabimus, exonerabimus, & indemnes conſeruabimus, tam eoſdem A. & P. ac hæredes & aſsignatos ſuos, quam prædict' dominium, manerium, meſuagia, terras, tenementa, & cætera omnia & ſingula, præmiſſa, & quamlibet inde parcell', cum pertinentijs, vniuerſis; contra nos, hæredes, & ſucceſſores noſtros, & verſus omnem aliam perſonam & perſonas quaſcunque de omnibus & omnimodis corrodijs, redditibus, feodis, annuitatibus, penſionibus, porcionibus, denariorum ſummis quibuſcunque de prædictis dominio & manerio, meſuag', terris, & tenementis, & cęteris pręmiſsis, aut de aliqua inde parcella quoquo modo exeunt' ſeu ſoluend', vel ſuperinde onerat' ſeu onerand', præterquam de redditu & ſeruitijs ſuperius nobis & hæredibus & ſucceſſoribus noſtris per pręſentes reſeruat': Ac prętterquam de omnibus & ſingulis redditibus, oneribus, & denariorum ſummis quibuſcunque, quas aliquis firmarius vel firmarij prędmiſſorum, aut alicuius inde parcell' tenetur, ſeu tenentur ſoluere, aut aliquo modo onerantur ſoluere, ſeu facere. Volumus enim & per præſentes, firmiter injungend', præcipimus, tam Cancellario &c. *(vt ſupra, Sect'. 386. verbatim.)*

præfat'

prefat A.B. et I.P, ac hæredibus et assignatis suis faciunt, et de tempore in tempus fieri causabunt. Et hæ literæ nostræ &c. *vt supra Sect.* 386 Damus etiam pro consideratione prædict, ac ex certa scientia et mero motu nostr̃ p̃ presentes concedim⁹ præfat A.B. et I.P. omnia et singula redd', reuersiones, et proficua quacũque ad p̃d dominia, maneria messuag', terr̃, tenementa, ac cætera omnia et singula præmissa, ac quámlib. inde parcell' cum eorum pertinentijs vniuersis, à festo Michael archãgeli vltim̃ præterit̃ hucusque prouenient̃ siue crescent̃. Habend̃ eisdem A.B. et I.P. ex dono nostro, absque compoto nostro, seu aliquo proinde nobis, hæred' et successoribus nostris quoquo modo reddendo, soluend', vel faciend'. Volumus etiam pro consideratione prædict̃, ac ex certa scientia et mero motu nostris per presentes concedimus præfat A.B. et I.P. quod &c. *vt supra* 386. Eo quod &c. *vt supra* 387 *Mutatis mutandis.*

A Grant of the incorporation of a Towne.

Sect.390. ELIZABETH &c. Archiepiscop̃ &c. *vt infra Sect* 391. salutẽ. Sciatis &c. *(vt supra* 327.*)* quantũ in nobis est, dilectis nobis hominibus et inhabitantibus infra villam de R. in comitat̃ nostro de H. q̃ villa illa sit villa incorporata de vno Balliuo et inhabitantib⁹ infr̃ villa prædict' imperpetuũ. Et qd' Balliuus et inhabitantes infra eãdem villam sint, et esse debeant vnũ corpus incorporatũ, et vna Communitas perpetuo, iure et nomine, ac habiles et capaces in lege, habeantq; successionem perpetuũ. Et q̃ vna persona de inceps de inhabitantib⁹ infra villam prædict' Balliu⁹ villæ præd' ad regimen eiusdem villæ fiat. Ac nos tenore præsentiũ W.H. nostrũ fidelem seruientem, ac vnũ inhabitant̃ infra villam prædict̃, ac assignatos suos pro termino nonaginta annorũ immediate et proximo complend', Balliuũ ac Balliuos villæ præd̃ nominatũ, appunctuamus, et ordinamus durante term̃ prædict': Ac postea de Regiæ nostrę potestatis plenitudine volumus, quod vna persona de inhabitantibus villę prædict', ad regimen eiusdem villæ pro vno anno integro singulis annis in festo Sanct' Iohañ Baptist. in balliuũ villæ prædict̃, per homines ac inhabitantes dictæ villę eligat̃, ac ordinetur in perpetuum. Et quod idem Balliuus & inhabitantes per nomen Balliui & inhabitant̃ infra villam de R. placitare possunt, & implacitari, in omnibus Curijs nostrijs, & alijs locis quibuscunque, habeantque

sigillũ

sigillum commune ad negotia villæ p̄dict' agend̄ tractandum. Et vl-
terius ex abundantiori gratia nostr̄ concessimus, & licentiam dedimus
ac p p̄sentes concedimus, & licentiam damus pro nobis & hæredibus
nostris prædict', quod idem Ballius & Inhabitantes & successores sui
imperpetuum habeant & teneant, ac habere & tenere possint vnum
Mercatum singulis septimanis apud villam nostram de R. prædict
quolibet die Sabat̄ annuatim tenend̄, & vnam Feriam ibidem p vnum
diem, viz. in festo Assumptionis beatæ Mariæ virginis singulis annis
tenend̄ duraturum, cum Curijs pedis puluerizat̄ ibidem tenend̄, du-
rante eisdem Mercat̄ & Feria, vna cum exitibus, proficuis, & amercia-
mentis de hm̄odi Mercatu & Feria, & curijs prouenientibus, ac cum
omnibus libertatibus, & liberis consuetudinibus, proficuis, & emolu-
mentis, ad hm̄odi Mercatum & Feriam pertinentibus siue spectanti-
bus. Quare volumus & firmiter præcipimus pro nobis & hæredibus
nostris p̄redict̄, quod idem Ballius & inhabitantes infra villam de R.
prædict' imperpetuum habeant & teneant, ac habere & tenere possunt
prædict̄ Mercatum & Feriam apud dictam villam nostram de R. præ-
dict, in forma p̄redict̄ tenendum, cum dicta curia pedis puluerizati,
vna cum omnibus exitibus, proficuis, & amerciamentis de huiusmodi
Mercatu, Feria, & curijs prouenientibus, ac cum omnibus libertati-
bus, & liberis consuetudinibus, proficuis, & emolumentis ad huius-
modi Mercat̄ & Feriam pertin̄ siue spectantibus imperpetuum. His
testibus &c.

A Graunt of a Corporation by the King.

HEnricus Dei gratia &c. Omnibus ad quos p̄sentes literę pue- Sect. 391
nerint salutem. Inspeximus cartam d̄ni R. nuper Regis Angliæ,
progenitoris nostr̄ fact' in hæc verba. Rich. dei gratia Rex Angliæ &
Franciæ, & d̄ns Hiberniæ, Omnibus ad quos p̄sentes literæ puene-
rint, salutem. Inspeximus cartam d̄ni R. quondam regis Angliæ pro-
genitoris nostri in hæc verba. Ric' dei gratia Rex Angliæ, Dux Nor-
maniæ, Aquitan̄, Com̄. And. Archiepiscopis, Episcopis, Abbatibus,
Comitibus, Baronibus, Iusticiar̄, Vicecomitibus, Seneschall' Præpo-
sitis, & omnibus minist̄r̄ & fidelibus suis, Salutem. Sciatis nos con-
cessisse, & p̄senti Carta n̄ra confirmasse Burgensibus nostris de D. So-
cam suam de D. cum villa de D. Habend̄ & tenend̄ de nobis & hæ-
redibus nostris per antiquam firmam quæ tunc temporis nobis red-
debatur, & insuper viginti & quinque Marcas argenti cum antiqua

firma reddend nobis annuatim, vt inde nobis respondeant ad Scaccarium nostrum. Pro hac autem concessione nostra ipsi nobis dederunt &c. Quare volumus & firmiter precipimus, quod ijdem Burgenses nostri de D. pred' Socham suam cum villa de D. pd' modo habeãt & teneant bene & in pace, liberè & quietè, integrè, plenariè, & honorificè, cũ omnibus libertatibus, & liberis consuetudinibus ad eam pertineñ. Ita quod nullus eos sup his disturbet. Testibus his H. Cantuar Archiepo, R. Arch. Hereford, Will' de W. Osberto fil' H. Simone de P. Ric' Barre, & pluribus alijs. Dat per manum Magistr E. tunc agent vices Cancell' xxij. die M. apud T. anñ 5. regni nostri. Nos autem dictas concessiõ & cõfirmatiõ pred' progenit, ac oña & singula in chart sua pd contenta rata habentes & grata, ea pro nobis & hered nostris (quantum in nobis est) dilectis nobis nunc Burgensibus pred villę de D. & eorum succes. in perpetuum tenore præsentium concedimus & confirmamus (prout charta predict' rationabiliter testatur) & prout ijdem Burgẽses & antecessores sui hũdi socam rationabiliter habere & tenere consueuerũt. In cuius rei testimoñ has literas nras fieri fecim' patẽtes. Teste meipso apud Westm decimo septim die D. anno regni nostri quinto. Inspeximus etiam quandam chartam dñi E. nuper regis Anglię quarti, progenit nostr fact' in hęc verba. Edw. dei gratia, Rex Angl' & Franc', dñs Hiberñ &c. *(vt supra.)* Sciatis ex parte dilectorũ nobis nunc Burgensium, tenentiũ, residentium, & Inhabitãtium villę de D. in com E. accepimus qualiter ipsi à tempore non modico tranſacto nonnullas libertates & liberas cõsuetudines habuer, ac eis vsi & gauisi fuerũt, pręf. Burgenses, tenẽtes, residentes, et inhabitãtes, metuentes se de et in hujusmodi libertatibus, et liberis cõsuetudinibus, ob defectu declarationis et expressationis earundem, et alijs occasionibus futur tempor molestari, pregrauari, impediri, et perturbari, nobis humillime supplicarũt quatenus libertates et liberas cõsuetudines predict' sub verbis specialibus declarar et expressatis eisdem Burgensibus, tenentibus, residentibus, et inhabitantibus, et eorum hered et succes. in forma subsequenti concedere, et ipsos incorporare, et personas habiles et capaces cum succes. perpetua facere dignaremur. Nos supplicationi suæ in hac parte fauorabiliter inclinati, de gratia nra speciali, ac ex certa scientia et mero motu nostris, cõcessimus et per prẽsentes concedimus pro nobis et hered nostris, quod dicta villa de D. liber burgus sit, et quod Burgenses, tenẽtes, residentes, et Inhabitantes eiusdẽ, et eorũ hered et succes. liberi Burgens. sint, & Gildam mercatoriam habeant, & eisdem libertatibus & liberis consuetudinibus gaudeant, & vtant

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in eodem Burgo, prout ipſi & eorum prædeceſſor̃ ante hæc tempora rationabiliter vſi ſunt et gauiſi. Et quod ipſi extunc ſint in re et nomine vnũ corpus, et vna Communitas perpetua, et quod eadem Communitas ſingulis annis in quodam loco certo infra Burgum prædict', ad libitum ſuum eligere poſſunt de ſeipſis vnam idoneam perſonam in Maior̃, & duas alias idoneas perſonas in Seruiẽtes ad clauas eiuſdem villæ, infra eandem villam commorant̃, ad regend̃ & gubernand̃ communitat̃ prædict̃ imperpetuum. Et quod ijdem Maior & communitas habeant ſucceſſionem perpetuam, & commune ſigill' pro negotijs dict̨ cõmunitatis ſeruitur̃ imperpetuum. Et ſimiliter qd' idem Maior & Communitas, & ſucceſſores ſui, p̃ nomen Maioris & Communitatis Burgi de D. placitari, implacitari, ac rñdere, & reſponderi poſſint, coram nobis vel hęred̃ noſtris, ac coram quibuſcunq; Iuſticiar̃ & Iudicibus noſtris, hæredum nr̃orum, & aliorum quorumcunque, in quibuſcunque curijs nr̃is, vel hęred̃ nr̃orum, & in cur̃ aliorũ quorumcunque, in, & de omnimod̃ actionib⁹, ſectis, querelis, & demãdis, verſus eos, vel per eos aliquo modo proſequend̃, vel impetrand̃. Et quod ipſi imperpetuũ habeant & gaudeãt omnes & ſingulas libertates, & liberas conſuetudines, quibus ante hæc tempora Maior & Burgenſes villæ p̃dictæ vſi fuerunt & gauiſi, ſeu quibuſcunque alijs noĩbus cenſeantur. Et ſi hm̃odi Maior infra annũ poſt hm̃odi electionem ſic factam deceſſerit, aut pro non ſana gubernatione Burgi p̃dict̃, aut pro aliquo delicto, vel aliqua alia cauſa quacunque ab officio Maioratus depoſitus vel amotus fuerit, adtunc communitas Burgi p̃dict' & ſucceſſores ſui aliam idoneam perſonam in Maiorem Burgi prædict' loco huiuſmodi Maioris ſic decedentis, depoſiti, vel amoti, pro reſiduo anni illius ad eundem Burgum regend̃ & gubernand̃ infra quindecim dies proxim̃ poſt hm̃odi deceſſum, depoſitionẽ, ſiue amotionem eligere poſſint & creare, & eiſdem modo & forma fiat in omnibus de ſeruiẽtibus ad clauas imperpetuum cum caſus exigerit. Et vlterius de vberiori gratia noſtra conceſſimus, & per p̃ſentes concedimus, p̃ nobis & hæredibus noſtris præfat̃ Maiori & communitati, & eorum hæred̃ & ſucceſſoribus, quod ipſi, hæredes et ſucceſſor̃ ſui habeant imp̃petuum cognitionẽ omnimodorũ placitorũ de debito, tranſgreſſ. conuentioñ, et de omnimodis alijs cauſis et cõtractibus quibuſcunq; infra eundẽ Burgum cõtingẽ aut emergẽ, tenend̃ corã Maiore eiuſdem Burgi, qui p̃ tempore fuerit in eodẽ, tam in p̃ſentia nr̃a et hæred' nr̃orum, quã in abſentia nr̃a et hęred̃ nr̃orum imp̃petuũ: & qd' oĩa placita in Burgo p̃d̃ emergẽt, ſiue de tenur̃ ſuis, ſiue de contractib⁹, conuencionib⁹, tranſgreſſ. necnon de omnimod̃

debit,ac alijs cauſis & contractibus quibuſcunque,ſeu vadimoñ in eodem Burgo factis ſeu accommodatis in Guilda aula in eodem Burgo, coram Maiore eiuſdem Burgi pro tempore exiſteñ placitentur & teneantur imperpetuum. Et inſuper cõceſſimus, & p preſentes cõcedimus præfat Maiori & Communitati, hæred & ſucceſſ. ſuis, quod ipſi, hæred,& ſucceſſ. ſui,p ſeruientes ſuos predict ad clauas,habeant poteſtatem & authoritatem attachiand quoſcunque viros & mulieres minus ſufficientes per corpora ſua, in quibuſcunque placit debitor, compotorum, tranſgreſſionum, conuẽtionum,detentionum catall', & aliarum actionum ꝑſonalium ſeu mixtatum quarumcunq infra Burgum ꝑdict qualitercunque factorum ſiue emergentium,quæ aliquo modo fuerint, ſiue moueri contigerint; coram Maiore Burgi predict ꝑ tempore exiſteñ. Præterea de abundanti gratia noſtr volumus & p preſentes concedimus ꝑ nobis hęredib⁹ noſtris,quod quilibet Burgen. Burgi ꝑdict, qui extunc in Maiorem Burgi illius eligentur. Maior ibiñ extiterit vel fuerit ipſo facto, & quã citius in Maiorẽ eiuſdẽ Burgi ſic elect⁹ & præfectus fuer, ſit extunc Coronator nr̃i & hæred nr̃or in Burgo prædict, durãte tempore quo officium Maioratus Burgi ꝑdict occupauerit. Et qd' idem Maior Burgi illius & ſucceſſ. ſui Maiores ibid hẽant in Burgo illo poteſtatem, iuriſdictionem, authoritat & libertatẽ faciend & exercend omnia & ſingula quę ad officiũ Coronat ibidẽ ꝑtinent faciend & exequend, prout cęteri Coronat noſtri & hęred nr̃orũ infra Regnũ noſtrum Angl' habuerunt & habere contigerint in futur. Ita ꝙ nullo tempore futur aliquis Coronator eiuſdem regni nr̃i Angliæ,niſi Maior Burgi prędict ꝑ tempore exiſtens ad aliqd,quod ad officiũ Coronator in eodẽ Burgo ꝑtinet faciend ſeu exequend,ingrediatur,nec ſe de aliquo in eodem Burgo colore officij hm̃di intromittat quoquo modo. Et quilibet hm̃odi Burgẽſis in Maiorem Burgi ꝑdict extunc eligend, immediatè poſt hm̃odi electionẽ de ſe factam, ſacram ẽtum ſuũ tam de ſe, & pro officio Maioratus Burgi predict ꝑ vno anno integro,aut aliqua parte ann vt premittitur eligend, quam de & ꝑ officio Coronat noſtri Burgi prædict bene & fideliter faciend infra Burgũ ꝑdict, corã Communitate eiuſdem Burgi ꝑ tempore exiſteñ præſtat corporale. Ac eidẽ Communitati & ſucceſſ. ſuis, qd ipſi & ſucceſſores ſui ſacrum illud à præfat Maiore & Coronatore de tempore in tẽpus cum caſus exigerit,recipere poſſint,tenore præſentium licentiã dedimus ſpecialem. Ita quod hm̃odi Maior ꝑ tempore exiſtens, vt Maior Burgi, aut vt Coronator noſtr eiuſdem Burgi ad ſacrum Maioris vel Coronator Burgi ꝑdict ꝑſtand alibi quam infra eund Burgũ, ſeu coram alijs quã coram

communitate Burgi illius pro tempor̃ exiſten̄ nullo modo teneatur ſeu compellatur. Et vlterius de abundanti gratia noſtra conceſſimus & per preſentes concedimus pro nobis & hæred̃ noſtris præfatis Maiori & communitati burgi prædict' & ſucceſſoribus ſuis quod idem Maior & ſucceſſores ſui imperpetuum habeant returna omnium breuium, mandatorum, præceptorum & billarum noſtrorum & hæred̃ noſtrorum, necnon omnimod̃ ſummonition̄ de Scaccar̃ noſtro & hæred̃ noſtror̃ & aliorum extractuum quorumcunque exequend̃ infra Burgum prædict̃ tam ad ſect̃ noſtram & hæred̃ noſtrorum per nos vel hæred̃ noſtros ſolos, ſeu nos vel hæred̃ noſtros coniunctim cum alijs perſonis vel alia perſona, quam ad ſectam alterius cuiuſcunque proſequendor̃ omnimodas executiones breuium mandator̃ preceptorum billarum ſummonitionum & extractuum præd̃: Ita quod nullus vicecomes, Coronator, Eſchaetor, Balliuus aut alius miniſter noſter, vel hæred̃ noſtror̃ Burgum prædictum ingrediat̃ ad aliquod officium ibidem faciend̃ niſi in defectu ipſius Maior̃ vel ſucceſſorum ſuorum. Et inſuper &c. (*vt ſupra verbatim*) & ſucceſſores ſui habeant & teneant imperpetuum vnam feriam apud dictum Burgum de D. ſingulis annis in vigilia & in feſto & in craſtino Annuntiationis beatæ Mariæ virginis tenend̃ & per eoſdem tres dies duratur̃ cum omnibus liber̃ & liberis conſuetudinibus ad huiuſmodi feriam pertinen̄ niſi feria illa ſit ad nocumentum vicinarum feriarum. Quare volumus & firmiter prꝯcipimus pro nobis & hered̃ noſtris prꝯd̃ quod prꝯf. Maior et Communitas et ſucceſſores ſui prꝯd̃ habeant & teneant feriam prꝯdictam apud Burgum prꝯdictum in forma prꝯdicta cum omnibus libertatibus & liberis conſuetudinibus ad huiuſmodi feriam pertinen̄, niſi feria illa ſit ad nocumentum vicinarum feriarum ſicut prꝯdict' eſt. Et præterea de gratia noſtra ſpeciali conceſſimus & per prꝯſentes concedimus prꝯfat̃ Maiori & Communitati & ſucceſſoribus ſuis quod idem Maior & ſucceſſores ſui ſint Iuſticiar̃ ad cuſtod̃ pacis noſtrꝯ infra Burgum prꝯdictum conſeruand̃. Et quod idem Maior & ſucceſſores ſui prꝯdict' habeant imperpetuum huiuſmodi authoritatem & poteſtatem infra eundem Burgum ad pacem noſtram & hꝯred̃ noſtrorum tantum conſeruand̃ & non aliter, prout cꝯteri Iuſtic' ſiue cuſtod̃ pacis noſtrꝯ in hac parte in aliquo Comitat̃ regni noſtri Angl̃ in eodem Com̃ habeant & habuerunt. Quare volumus & firmiter prꝯcipimus pro nobis & hꝯred̃ noſtr̃ prꝯd̃ quod prꝯf. Maior & Communitas Burgi prꝯd̃ ac eorum hæred̃ & ſucceſſores

omnia & singula huiusmodi libertates, cõsuetudines, francheſias & priuilegia ac omnia alia p̃missa prout superius expreſſ. eſt habeant, teneant, & exerceant, ac eis & eorum singulis plene libere integ. pacifice & quiete imperpet̃ gaudeant & vtantur absque impetitione, impedimento, perturbatione, molestatione, vexatione, seu grauamine nostri vel hered̃ nostrorum prædict̃ aut aliquorũ nostrorum officiariorum seu ministr̃ nostror̃ vel hæred̃ nostror̃ aut aliorũ quorumcunq, Eo quod expreſſa mentio de vero valore annuo præmissorum seu aliquo alio valore eorundem aut alicuius inde parcellæ, aut de alijs donis seu concessionibus eisdem Maiori & Communitati & succeſſoribus suis aut Maiori & Burgensibus dict̃æ villæ de D. & succeſſoribus suis aut aliquibus p̃decessorum suorum & succeſſoribus suis per nos vel per progenitores seu p̃decessores nostros ante hęc tempora fact̃ in p̃sentibus minime fact̃ exiſtit. Aut aliquo ſtatuto, actu, ordinatione, seu prouiſione in contrarium fact̃ edit̃ ordinat̃ siue prouiſ. non obſtant. His testibus &c. W. &alijs 30. die O. anno regni nostri septimo. Inſpeximus insuper quandam Cartam domini H. nuper regis Angliæ Progenitoris nostri fact̃ in hęc verba. Henric̃ &c. (*vt supra*) Omnibus ad quos p̃sentes literę peruenerint Salutem. Inſpeximus literas patentes domini R. nuper Regis Angliæ secundi post conqueſtum factas in hæc verba Ric̃ *vt supra*. Omnibus ad quos præſentes literæ peruenerint Salutem. Inſpeximus Cartam domini R. quondam Reg̃ Anglię progenitoris nostri in hęc verba. Richardus *vt supra*. Salutem. Sciatis nos conceſſiſſe & præſenti Carta nostra confirmaſſe &c. *vt supra*. Inſpeximus etiam quaſdam alias literas patentes cuiusdam Petri de Manlay quondam Domini de Mulgrene ſigillo suo armorum ſigillat̃ similiter factas in hęc verba. **Sachant toutes yceaux que ceſtes lettres verront, ou oyront, qui ieo Piers de Manley le quint Seigniour de Mulgreins, ay releſſe et quiteclaime aurybien as pouers come as riches de la Comminaltie de la Ville de D. la Mauuoiſe cuſtome leuie de meſme la Ville deuaunt ceux heures per mes auncestours la quel nous ſolaynes reſceiuer de toutes manners Regratours de meſme la ville, ceſtaſſauoite, Peſtours, Bracoreſours, Bochiers, Peſchous et Eſtewes et de tout altre maner regraterie. Iſſint que ieo auauntdit Piers ne nul de mes heires au cel cuſtome auauntdit nul clayme ne metrons, En teſtmoignance de quel choſe a ceſt Letter Patent ay ieo mis mon Seale, Done a D. Jeouen prochein apres la quinizen de Saint Michaell an du reigne le Roy Edward le tierce apres le conqueſt quint.** Nos

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autem Chartas & literas prædictas, ac omnia & ſingula in eiſdem contenta, rat̃ habentes & grat̃, ea pro nobis & hęredibus noſtris (quantum in nobis eſt) acceptamus & approbam⁹, & dilectis nobis nunc Maiori & Burgenſibus & Comit̃ prædict' villæ de D. & eorum ſucceſſoribus tenore preſentium ratificamus & confirmauimus, prout chartę & literę prædictæ rationabiliter teſtantur, & prout iidem nunc Burgenſes francheſijs, libertatibus, & quietancijs in literis prædict̃ contentis vti & gaudere debent, ipſiq; & eorũ anteceſſores francheſijs, libertatibus, & quietancijs hm̃odi, a tempore confectionis literarum prædictarum ſemper hactenus rationabiliter yti & gaudere conſueuerunt. In cuius rei teſtimoñ has literas noſtras fieri fecimus patentes. Teſtę meipſo apud Weſtmonaſt' 18. die M. Anno regni noſtri 23. Inſpeximus preterea quandam chartam dom̃ H. nuper Regis Angliæ ſeptimi patris noſtri fact' in hęc verba. Henricus (*vt ſupra.*) Sciatis &c. (*vt ſupra Sect'* 327.) Maiori & Communitati villę noſtrę de D. & eorum ſucceſſoribus, Manerium, villam, dominium, & Socam de D. cum omnibus villis, villatis, hamlettis, & membris ſuis quibuſcunque, Ac omnia & ſingula meſuag', terr̃, tenementa, redditus, reuerſiones, & ſeruic', mariſcos, aduocationes Eccleſiar̃, Cantariarũ & capellarum, poſſeſſiones & hereditamenta noſtra quecunque, infra prædict̃ maner̃, dominium, villam, & Socam de D. ac infra prędict̃ alias villas, villatas, & membra exiſten̄, vnà cum curijs, letis, viſ. francipleg', aquis, molendinis, introitu, & exitu aquarum ibidem, ferijs, mercatis, tolnetis, picagijs, ſtallagijs, pontagijs, paſſagijs, ac omnib⁹ & ſingulis proficuis, commoditatibus, & emolumen̄t quibuſcunque prędt̃ manerio, dominio, villis, villatis, & cęteris prędmiſſis, aut eorũ alicui qualitercunque pertin̄ ſeu ſpectañ, aut infra p̃cinctũ eorundem, vel eorum alicuius vbicunque exiſten̄, vel ad nos, hęredt̃, & ſucceſſores noſtros qualitercunq; pertin̄, ſeu nup pertin̄, put nos ea omnia & ſingula præmiſſa, vel eorum aliquod habemus, ſeu nos, progenitores, aut prædeceſſores noſtri aliquo tempore præterito hucuſque habuimus, vel de iure habere debuiſſemus: Necnon omnia & ſingula exitus, reuerſiones, & proficua, de prędict̃ Curijs, viſ. francipleg', aquis, molendin̄, ferijs, mercatis, tolnetis, picagijs, ſtallagijs, pontagijs, paſſagijs, & cæter̃ præmiſſis, ſeu aliquo p̃miſſor̃, quoquo modo prouenien̄ ſiue emergen̄. Habendt̃ & tenendt̃ prędictum Manerium, dominium, ſocam, villas, villatas, & cętera prędmiſſa cum eorũ mẽbris & pertinentijs vniuerſis, a feſto Paſchæ vltimo p̃terito prędat̃ Maiori & Communitati, ac eorum ſucceſſoribus, de nobis & hæredibus nr̃is ad feodi firmam imperpetuũ: Reddendt̃ inde pro omnibus & ſingulis

in ꝑsentia ſpecificat̃ ꝑf. nunc Maiori & Communitati conceſſis annuatim nobis, hæred̃ & ſucceſſoribus noſtris ſeptuaginta & quatuor libras treſdecim ſolidos vndecim denarios & obolum, ad Scaccar̃ noſtrum, ad feſta Sancti Mich. Archang' & P. per æquales porciones ſoluend', abſque compoto, vel aliquo alio onere vel reditu, ſine aliquo alio inde nobis, hęred̃ vel ſucceſſ. noſtris, per ipſos Maiorem & communitat̃, aut ſucceſſores ſuos quouiſmodo reddend', ſoluend', ſeu faciend̃. Et vlterius nos de vberiori gratia noſtra pro nobis, hæred̃ & ſucceſſoribus noſtris conceſſimus, & per ꝑſentes concedimus ꝑfat̃ Maiori & Communitati ac ſucceſſoribus ſuis, quod ijdem Maior & Communitas & ſucceſſor̃ ſui imperpetuum habeant & tenant bis in quolibet anno ſingulis annis imperpetuum, vnam letam ſiue viſus francipleg' infra dicta Manerium, Dominum, villas, villatas, & cętęr̃ ꝑmiſſa, coram Seneſchallo ſiue Recordatore Maioris & Communitat̃ eiuſdem villę pro tempore exiſten̄, aut eius deputato ſiue deputatis ſufficiẽtibus, ſecundū legem & conſuetudinem regni noſtri Angl' ibim̃ bis per annum tenend̃. Et quod habeant emend̃ aſſiſæ panis & ceruiciæ, ac aliorū victualium venalū quorumcunque, Necnon correctionem & punitionem eorund̃ & cuiuſlibet inde ꝓcell', ac totum & quicquid qd̃ ad letam vel viſ. francipleg' pertinet aut ꝓtinere debet aut poterit. Et etiam qd̃ ꝓdict̃ Maior & Communitas, & ſucceſſores ſui, habeant omnia exitus, & ꝓficua, perquiſitiones, fines, penas, redemptiones, foriſfacturas, & amerciamẽta, in omnibus & ſingulis hm̃odi letis ſiue frãcipleg' foriſfaciend̃ vel aſſidend̃. Necnon Wayf, Stray, Infangthef, & Outfangthef, infra Manerium, Dñium, ſocam, villas, villatas, & cętera ꝑmiſſa & ꝑcinct' eorund̃, & eorum cuiuſlibet emergen̄ ſiue contingen̄. Et etiã bona & catalla omniū & ſingulorū felon̄, & felonum de ſe, ac bona fugitiuorum, conuictorum, & attinctorum, necnon bona & catalla vtlagatorū et damnatorū, et Wreccum Maris (cum acciderit) ac bona et catalla quęcunque confiſcat̃ infra manerium, dñium, ſocam, villas, villatas, & cętera ꝑmiſſa, ac ꝑcinct' eorundem, et cuiuſlibet eorundem, inuent̃ ſeu inueniend̃ imperpetuum. Et vlterius (*vt ſupra*) et hac ꝓſenti Chatta noſtra confirmauimus pro nobis, hęred̃, et ſucceſſ. noſtris ꝓdict̃ præfa. Maiori et Communitati et ſucceſſoribus ſuis, quod ipſi et eorum ſucceſſores, habeant et teneant duo Mercata, et quicquid ad Mercatum pertinet, ſeu pertinere debet aut poterit infra ꝓdict̃ Manerium, dominium, et villã de D. vel aliquã parcell' eorund̃ qualibet ſeptimana ſingulis annis imperpetuum, modo et forma ſequen̄, videlicet, quod ipſi et ſucceſſores ſui habeant et teneant vnum

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mercatum dictorum duorum mercatorũ quolibet die Sabbati, & alterũ mercat eorundem duorum mercat quolibet die Martis ibidem tenend imperpetuum. Et insuper quod ijdem Maior & Communitas & successores sui, habeant & teneant annuatim imperpetuum duas Ferias siue Nundinas infra prędictum manerium, dominium, & villam de D. & pręcinct' eorundem, vel eorum alicuius, & quicquid quod ad feriam siue nundinas pertinet, seu pertinere debet aut poterit: Vnam videlicet Feriam siue Nundinas prædictarum duarum feriarum siue nundinarum, tenend apud dictam villam de D. singulis annis p tres dies, viz. in vigilia & in die sancti Iacobi Apostoli, & in crastin die immediatè sequen duratur: Alteram vero feriarum siue nundinaru m præd duarum feriarum siue nundinarum, tenend apud prædictã villã de D. annuatim imperpetuum, in vigilia & in die Annunciationis beatę Mariæ virginis, & in crastino die immediatè sequen similiter duratur, cum libertatibus, & liberis consuetudinibus, proficuis, reuentionibus, aduantagijs, commoditatibus, & emolumentis ad huiusmodi mercatum, ferias, siue nundinas, quouismodo pertin siue spectan. Dum tamen feriæ siue nundin & mercatum illa non sunt ad nocumentum aliorum vicinorum mercat, siue aliarum vicinarum feriarum siue nundinarum. Quare volumus, concedimus, & firmiter præcipimus, p nobis, hæred, & successoribus nostris per presentes, quod prædict' Maior & Communitas & successores sui habeant & teneant mercatum & ferias siue nundinas prædict' apud dictam villam de D. vt prædictum est singulis annis imperpetuũ, cum omnibus libertatibus, & liberis consuetudinibus, necnon omnibus & singulis proficuis, reuentionibus, aduantagijs, commoditatibus, & emolumentis ad huiusmodi mercatũ, ferias, siue nundinas, siue eorum aliquod quoquo modo pertinen siue spectan, dum tamen mercatum, ferię, siue nundinę illę non sint ad nocumentum vicinorum mercatorũ, feriarum, siue nundinarum. Et vlterius (*vt supra,*) quantum in nobis est tenore presentium, quod ijdem Maior & Communitas, & successor sui, faceant, habeant, & constituant de tempore in tempus imperpetuũ ad eorũ placitũ, per literas suas patentes, sigillo suo communi sigillatas, vnam idoneam personam esse seneschall siue Recordat ipsorũ Maioris & Communitat, & successorum suorum prędict' manerij, dominij, & Socę de D. ac Cur, Letar, visus francipleg' prædict', & cæterorum premissorũ. Habend, exercend, & occupand, officium Seneschall manerij, dominij, & Socæ illorum, ad cur, let, & visũ francipleg' prædict', per se, vel per deputatum, siue deputatos suos sufficientes, ad terminum vitę vel annorum, seu ad voluntatem ipsorum

ipſorum Maioris & Communitat, & ſucceſſorum ſuorum, prout eis melius videbitur expedire. Et quod prædict Maior & Communitas, & ſucceſſor ſui, habeant & teneant vnam Cur qualibet ſeptimana imperpetuũ ſingulis ſeptimanis, videlicet, quolibet die Iouis imperpetuum in Guihalda prædict villę de D. omnia & omnimod placita, actiones, & quęrelas, tam reales quam perſonales & mixtas, coram Maiore prędict, manerij, dominij & ſocæ de D. ac cęterorum præmiſſorum pro tempore exiſten, ac coram Seneſchall ſiue Recordator Maior & Communitat manerij, dominij, & Socæ illorum, ac cæterorum præmiſſorũ, vel deputato ſiue deputatis ſuis ſufficient, ſecundũ legem & conſuetudinẽ regni noſtri Anglię, audiend & terminand, per breue ſiue breuia noſtra, hæred vel ſucceſſorũ noſtrorũ quorumcunq, ſiue quęrelam aut quaſcunq quærelas, ac iuriſdictionem & poteſtatem cognoſcend, audiend et terminand coram quocunque huiuſmodi Seneſchall ſiue Recordatore, ſeu eius deputato ſufficiente, aut eius deputatis ſufficientibus, omnes & omnimod actiones, ſectas, querelas, & demand, reales, perſonales, & mixtas, tam de omnibus & ſingulis ter & tenementis infra prędict' maneria, dominiũ, villã, & ſocam de D. aut eorũ membris cũ pertinen, ac prędinct eorũdem, vel alicuis eorũ exiſten, quã de, et in omnib' et omnimod debitis, ad quamcũq ſummam, aut quaſcunq ſummas ſe attingunt, ac de, et in omnibus tranſgreſſionibus, debitis, detentionibus, compotis, conuentionibus, deceptionib', contractionibus, cauſis, demandis, ac materijs quibuſcunq infra maner ſiue dominium, villam, et ſocam de D. ac cætera prędmiſſa ſeu præcinct eorundem, ſeu alicui' eorundem emergent ſiue contingent. Et p Curia illa ſit cur de Recordo, quodque quilibet huiuſmodi Seneſchall ſiue Recordator pro tempore exiſten, & quilibet deputat cuiuſcunq hmodi Seneſchall ſiue Recordatoris habeant plenam poteſtatẽ et auctoritatem, tenend, audiend, et terminand placita et q̃relas illa, ſecundũ debitam legis formam, et procedend ad iudiciũ, in et ſuper eiſdẽ, et facere inde executiones, prout legi noſtr concinit aut conſueuit. Et qd ijdem Maior et Communitas, et ſucceſſ. ſui conſtituant et habeant, ac conſtituere et habere poſſint, vnũ aut duos ſeruientes ad Clauam infra maner, et dominium, vill, et ſocam de D. præd, ac cætera præmiſ. ad attend ſup Maiorem villæ p̃d pro tẽpore exiſten: Et ad facien & exequend ſummon, diſtrictiõn, et attach. ac alia p̃cepta Cur p̃d, tã p corpus, quam aliter infra prędd dominijũ, maner, villam, et ſocam de D. et cęter præmiſſ. et præcinct' eorund, virtute warranti ſiue præcept, ac cuiuſcunque proceſs' authoritate ſupradict', vel aliter infra p̃d maner, domi-

dominium, villam & ſocam de D. & cætera præmiſſa, ac pręcinct' eorundem, vel eor̃ alicuius, eis aut eor̃ alteri derect' ſiue dirigend'. Concedimus inſuper præfat̃ Maiori & Communitati & ſucceſſoribus ſuis, ad eorũ vſum & opus propria per pręſentes, omnia & ſingula exitus, proficua, fines, amerciamenta, & alia emolumenta quecunque, in curia prædicta, ſiue ratione cur̃ illius per quamcunque cauſam contingẽ abſque compoto ſeu aliquo alio inde nobis, hæred̃ vel ſucceſſoribus noſtris, reddend', ſoluend', ſeu faciend'. Conceſſimus etiam pręfat̃ Maiori & Communitati, ac ſucceſſoribus ſuis, quod Maior villæ prędict' pro tempore exiſtẽ, ac Seneſchall' ſiue Recordat̃ eiuſdem villæ pro tempore exiſtẽ, Ac tres Aldermanni eiuſdem villę per Maior̃ & Seneſchall', ſiue Recordatorem villę illius ad hoc elect', ſint Iuſtic' & cuſtodes pacis noſtr̃ę, hæred̃ & ſucceſſorum noſtrorum infra prædict̃ manerium, dominium, villam & ſocam de D. præd̃, ac cætera præmiſſa ac præcinct' eorundem. Et quod idem Iuſtic', vel duo eor̃, quorum præfat̃ Seneſchall' ſiue Recordator pro tempore exiſtẽ, ſemper ſit vnus, plenariam habent poteſtatem & authoritatem ad pacem noſtram hæred̃ vel ſucceſſorũ noſtrorũ conſeruand'. Necnon omnia ordinationes & ſtatuta facta & fiend' pro bono pacis noſtræ hęred̃ & ſucceſſor̃ noſt. or̃, ac quieto regimine & gubernatione populi noſtri, hæred̃ & ſucceſſorum noſtrorum, in omnibus & ſingulis ſuis articulis, infra p̃dict̃ manerium, dominium, villam, ſocam, de D. præd̃, & cętera p̃miſſa, & præcinctum eorundem, iuxta vim, formam, & effectũ eorundem Statutorum & ordinationem cuſtodiend' & cuſtodiri faciend', & ad omnes illos quos contra formam & ordinationem ſtatutorum prædict̃ venerint, aut facierint, ſecundum legem terræ puniri faciend'. Et omnes illos qui aliquibus de populo noſtro, vel hęred̃ ſeu ſucceſſ. nr̃orum de corpor̃ ſuis, vel de incendijs domor̃ ſuarum minas fecer̃, ad ſufficiẽt ſecuritatem de pace & bono geſta ſuis erga nos & populum nr̃orũ, hær̃ & ſucceſſ. noſtror̃ inueniend' cor̃ eis venire, & ſi huiuſmodi ſecuritatẽ inuenire recuſauer̃, tunc eos in priſonam noſtram hæredum & ſucceſſorum noſtrorum infra prędict̃ villã de D. quouſq; huiuſmodi ſecuritat̃ inuenerint, ſaluo cuſtod̃ faciend'. Ac omnes materias, quęrel', defect', cauſas, & alia quecunque infra dict̃ mañ, dominium, vill', & ſocam de D. & pręcinct̃ eorundem impoſter̃ perpetrat̃ ſiue contingẽ, adeo plene & integre inquirend', audiend' & terminand', prout cuſtodes pacis noſtræ, hæred̃ & ſucceſſ. noſtrorũ, ad pacẽ in aliquo Com̃ Anglię conſeruand' aſſigñ, virtute ordinationũ & ſtatutorũ præd̃, ac l'arum noſtrar̃ p̃dict̃ patenc' deſtitui aut deſtituend', terminare debent & ſolent ſeu debebunt, per Maior̃ & Seneſchall' ſiue Recordat̃ & huiuſmodi

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tres Aldermanos dict̃ villę de D. pro tempore existen̄, vel duos eor̄, quor̄ dict̃' Seneschall̃ siue Recordatorem pro tempore existen̄ vnum esse volumus inquirant̃ & terminant̃, secundum legem & consuetudinem Regni nostri Anglię, & iuxta formam, & ordinationem statutorum prędictorum: Ita quod custodes pacis nostrę, hæred̃, vel successorum nostrorum ad huiusmodi felonias, transgressiones, & malefacta in Comitatu prędict̃ fact̃, perpetrat̃, fiend̃, siue perpetrand̃, audiend̃ & terminand̃, assign̄ vel assignand̃ infra prædictum manerium, dominium, villam & socam, seu cętera pręmissa, aut pręcinctum præd̃, ad aliquod quod ad custodes pacis nostrę, siue Iustic' huiusmodi ibidem pertinet faciend̃ non ingrediantur, nec se in aliquo intromittant. Sciatis insuper, quod nos de gratia *(vt supra)* præfat̃ Maiori & Communitati & successoribus suis prædictis, quod omnia & singula breuia, præcepta, warrant̃, summ̃, attachiamenta & mandata per Maiorem, siue per Maiorem & Communitatem, aut per Seneschallum, siue Recordatorem prædict̃' manerij, dominij, villæ, & socæ, de D. aut eor̄ aliquem pro tempore existen̄, aut per deputatum Seneschall̃ siue Recordatoris manerij, villę, & socæ illorum pro tempore existen̄ concedend̃, vel extra cur̃, siue visus francipleg' prædict̃', pro aliqua materia, re, vel causa quacunq; emanantia seu prosequend̃, aut per prędict̃ Custodes siue Iustic' pacis prædict̃' manerij, dominij, villę, & socæ de D. seu eor̄ aliquos vel aliquem concedend̃, vel extra aliquā sessionē, coram eis siue eorum aliquibus, vel aliquo tenend̃ pro aliqua materia, re, vel causa quecunque emanātia prosequend̃ vel dirigend̃, seruient̃ ad Clauas prędictor̄ manerij, dominij, villę, & socę de D. pro tempore existen̄, seu eorum alicui, iuxta iuris exigentiam dirigantur, & per eosdem seruientes ad clauas, seu eorum aliquem, iuxta vim, formam, & effectum breuium, præceptor̄, warrantor̄, & mandatorum debite exequantur & returnentur: Ita quod nullus Vicecomes Com̄ nostri, hęredū vel successorum nostrorū comitat̃ Ebor̄, vel aliquis alius Officiarius seu Ministr̃ nostr̃, hæredū, vel successorū nostrorum, neque aliquis alius, nisi tantummodo seruientes ad clauas, aut eorū aliquis pro tempore existen̄ in neg. prędict̃' Maioris & Commnnitatis, & successorum suorum in nullo se intromittat, aut intromittant quoquo modo. Et quod omnia & singula huiusmodi breuia, præcepta, warranta, summ̃, attachiment̃, & mandata per huiusmodi seuientes ad clauas, seu eorum aliquem execut̃ seu returnat̃ eiusdem vigoris & effectus in lege existant, ac si etiam breuia, prędicta, warranta, summ̃, attachiament̃ et mandata vicecomitibus nostris, hæredum vel successor̄ nostror̄ præd̃ Comitatu Eborum pro tempore

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exiſten, aut alicui alij Officiorum ſeu Miniſtrorum noſtrorum, hæredum, aut ſucceſſorum noſtrorum direct', ac per hmodi Vicecom, Officiar, ſeu Miniſtr, aut eorum aliquem execut & returnat fuiſsent. Conceſsimus etiam de vberiori gratia noſtra eiſdem Maiori & Cõmunitati, ac ſucceſsoribus ſuis, qd' ipſi & ſucceſsores ſui habeant retornũ, ac plenum retornũ omnium & ſingulorum breuium, pręceptorũ, warrant, ſummon, attachiament, & mandatorum noſtrorum, hæred & ſucceſsorum noſtrorum, ac ſummon, attach. & diſtrictiones Scaccarij nri, hęred & ſucceſsorum noſtrorum, & executiones eorundem, infra manerium, dominium, villam, & ſocam de D. & cętera pręmiſsa, at pcinctum eorundem, coram nobis, aut hęred vel ſucceſsoribus noſtris vel aliquibus Iuſticiar noſtris, hęredum vel ſucceſsorum noſtrorũ, ſiue in Scaccario noſtro, hęred', vel ſucceſs. noſtrorum retornand, tam ad ſectam noſtram, hæred & ſucceſsor nr, quam ad ſectam alterius cuiuſcunque, ſiue aliorum quorumcunque proſecut vel proſequend ſeu retornand': Ita quod nullus Vicecomes, aut alius Ballimus, ſeu miniſter noſter, hæred vel ſucceſsorum noſtrorum, manerium, dominiũ villam, & Socam de D. prædict', & cętera pręmiſsa, vel pręcinct pd', aliquo modo ingrediatur ad hmodi breuia, pręcepta, warrant. ſummoñ, attachiamenta, ſiue mandata, aut ſummon, attach. ſeu diſtrictiones Scaccarij prędict', infra manerium, dominium, villam & Socam illam, ſiue pręcinctum prędict faciend, ſiue exequend, niſi ſit in defectu ipſorum Maioris & Communitatis, & ſucceſſorum ſuorum. Et vlterius concedimus pręfat Maiori & Communitati, quod ipſi & ſucceſsores ſui habeant Gaolam in loco competente, infra pcinctum dictę villę de D. p quibuſcunque perſonis, pro quibuſcunque felonijs, tranſgreſs. malefact & alijs materijs & cauſis quibuſcunque arreſtand, ſiue attach', ſiue eid Gaol' committend ibidem, ſecundum legem noſtram, ſaluo & ſecur impriſonand & cuſtodiend'. Eo quod &c. (*vt ſupra* 357.) Et volumus & concedimus per pręſentes, quod omnia & ſingula præmiſsa fiant & liberent pręfat Maiori & Communitat, & ſucceſsorib' ſuis, ſub magno ſigillo noſtr, abſq; fine vel feodo, ſiue aliquo alio inde nobis, hæred, vel ſucceſsoribus noſtris in Cancellar noſtra, aut in hanaperio Cancell noſtrę, ſeu alibi quoquo modo faciend vel ſoluend, In cuius rei teſtim has literas fieri fecimus patentes. Teſte meipſo apud Weſtm xiiij: die Ianuar Anno regni noſtri viceſimo. Nos autem &c. (*Verbatim vt ſupra.*)

A ſpeciall

A ſpeciall liuerie and Ouſter le maine.

Sect. 392. Elizabeth &c. Sciatis &c. & licentiam dedimus, ac per p̄ſentes concedimus, & licentiam damus pro nobis, hæred', & ſucceſſoribus noſtris quantū in nobis eſt, dilecto & fideli ſubdito noſtro R. W. fratri & proxm̄ hæred' M. W. armig' defuncti, (Qui quidem M. W. de nobis tenuit in Capite die quo obijt, per ſeruitium Militar̄) quocunq; nomine, cognōine, ſiue additione nominis, idem R. W. nominat̄, ſiue nuncupat̄, qd' idem R. W. incontinent̄ abſque aliqua ꝓbatione ætatis ſuæ, & abſque aliqua alia liberatione ſeu ꝓſecutione hæreditatis ſuæ, vel alicuius inde parcell' extra manus noſtras, hæred' vel ſucceſſor̄ noſtror̄, ſecundum curſum Cancellar̄ nr̄æ, vel ſecundum legem & curſum curiæ noſtrę Wardorum et Liberac', vel legem terrę nr̄ę Angl', ſeu aliquo alio modo proſequend', in oīa & ſingula dn̄ia, maneria, meſuag', terr', ten̄ta, reuerſion̄, feod' firm̄, villas, villat̄, hamlet̄, annuitates, reddit̄, ſeruit̄, hundred', officia, prat̄, paſc', paſtur̄, moras, mariſcos, bruet̄, tolnet̄, cuſtumar̄, viſ. francipleg', cur̄, eſchaet̄, balliuas, libertat̄, franchef. warren̄, viuar̄, ſtagna, molendina, feod' Milit̄, aduocationes, & patronat̄ Eccleſiarum, vicar̄, capellar̄, et nominationes ad eaſdem: Ac in omnia & ſingula alia poſſeſſiones, reuentiones, & hęreditament̄ quæcunq;, cum eorum iuribus, membris, & ꝓtinen̄ vniuerſis infra Regnum noſtr̄ Angliæ, Wallię, aut Marchias eorundem, quę fuerint p̄d' M. W. & de quib⁹ idem M. W. aut aliquis, vel aliqui anteceſſor̄ p̄dict̄ R. W. cuius hæres ipſe eſt, fuit, aut fuerunt poſſeſſionat̄, vel ſeiſit̄ in dn̄ico ſuo vt de feodo, aut in feodo qualitercunque talliat̄, in dominico, vel aliter, diebus quibus ſeperatim obierunt, aut die quo eorum aliquis obijt, vel de quibus aliqua perſona ſeiſit̄ fuit, aut aliquæ ꝓſonæ ſeiſit̄ fuerunt coniunctim vel ſeꝑatim, ad vſum p̄d' M. W. ſeu aliquorum anteceſſor̄ p̄dict' R. W. cuius vel quor̄ hæres ipſe eſt, in dn̄ico ſuo vt de feodo, aut in feodo, qualitercunq; tal' in dominico, vel aliter, ad vſum dict' M. W. aut aliq. orum hęred' ſuorū, vel ad vſum aliquorum talium anteceſſorum, aut talis anteceſſoris, & hęred' talium anteceſſorū, aut talis anteceſſoris dieb⁹ quibus ſeperatim obierunt, aut die quo eorum aliquis obijt. Et quę ꝓ, ſiue poſt mort̄ ipſi⁹ M. W. aut alicuius, anteceſſoris, aut aliquorum anteceſſorum p̄d' R. W. cuius hęres ipſe eſt, aut aliquo alio modo ad manus nr̄as deuenerūt, ſeu deuenire, debuerunt, aut deberent, aut in manibus noſtris iam exiſtunt, aut exiſtere debent, vel debuerunt, quæ p̄fat R. W. in poſſeſſione, reuerſione, vel in vſu diſcēdere, reuertere, remanere, ꝓtinere, ſeu ſpectare debent, vel deberent, licitè & impunè ingredi, intrare, & ſeiſire poſſit.

Ac

Ac ea omnia & ſingula prefat̃ R. W. & hered' ſui, prout ipſe in eiſdem poſt mortem predict̃ M. W. aut aliquorum anteceſſorum p̃d̃ R. W. cuius vel quorum hæres ipſe eſt hereditar̃ extitit, in poſſeſſ. reuerſione, aut in vſu, ſeiſir̃, habere tenere, poſſidere, & gaudere poſſit & valeat, erga nos hered̃, & ſucceſſores noſtros, abſq; aliqua alia liberatione ſeu proſecutione eorundem, ſeu alicuius inde parcell' extra manus noſtras, ſecundum curſum Cancellar̃ noſtrę predict̃, aut legem terræ noſtrę, ſeu aliquo alio modo per predictas perſonas, ſeu per earum aliquam proſequend̃ vel impetrand̃. Nolẽtes quod prefatus R. W. nec hęred̃ ſui, nec predict̃ quæcunq; perſonæ, ſiue quæcunque perſona, de aliquibus dominijs, manerijs, terris, tenementis, & cæteris præmiſſis, ad vſum (vt præmittitur) ſeiſit̃, vel ſeiſit̃ exiſten̄, vel exiſtent̄, ratione ingreſſus ſiue occupationis & retentionis predict̃ per ipſos, ſeu per eorum aliquem fact', aut habit̃, fiend̃ & habend̃, per nos, hered̃, ſeu ſucceſſores Iuſticiar̃, Eſchaetor̃, Vicecom̃, Receptor̃, Balliuos, & miniſtros noſtros, hered̃, vel ſucceſſorum noſtr̃ quoſcunque moleſtentur, inquietent̄, vexentur, diſtringantur in aliquo, ſeu grauentur, nec eorum aliquis moleſtetur, inquietetur, vexetur, perturbetur, diſtringatur in aliquo, ſeu grauetur. Nec quod ijdem Iuſticiar̃, Eſchaetor̃, Vicecomites, Receptor̃, Balli, & miniſtri noſtri, hered̃ vel ſucceſſor̃ noſtr̃, nec eorũ aliquis in predict̃ dominia, maneria, terr̃, tenement̃, & cætera præmiſſ. cum pertinen̄, ſiue aliquam inde parcell', pro nobis, ſeu nomine noſtro ſe intromittant, vel eorum aliquis intromittat, Sed quod nos, hęred̃, & ſucceſſores noſtri, quoad ſeiſiend̃ & capiend̃ in manus noſtras prędict' dominia, maneria, terr̃, tenement̃, & cætera p̃miſſ. cum pertinen̄, ſiue aliquam inde parcellam, ratione alicuius noſtri tituli, clamei, vel intereſſe, qđ vel qui nobis, hæred̃, & ſucceſſoribus noſtris p̃d̃, p ſiue poſt mortem dicti M. W. vel alicuius alterius anteceſſoris, ſiue aliquorum aliorum anteceſſor̃ p̃d̃ R. W. cuius, vel quorũ ipſe hęres eſt, aut alicuius alterius perſonæ, ſiue aliquarũ aliarũ perſonarũ, de aliquibus domin̄, maner̃, terr̃, ten̄t, ad vſum ſupradict' ſeiſit̃ vel ſeiſit̃ nuper exiſten̄, vel exiſten̄, accidit, competit, ſeu euenit, aut accider̃, cõpeter̃, vel euenir̃ poterit, ſumus excluſi imperpetuum per præſentes. Et quod idem R. W. & hæred̃ ſui, erga nos, hæredes & ſucceſſ. noſtros pro præmiſſis, & qualibet inde parcell' quiet̃ & exonerat̃ exiſtent, & eorum quilibet quiet̃ & exonerat̃ exiſtet imperpetuum per præſentes. Et præterea pro nobis, hæredibus & ſucceſſorib' noſtris concedimus per præſentes præfat̃ R. W. necnon prædict' quibuſcunque alijs perſonis, & cuicunque alij perſonæ de aliquib' domi-

dominijs, manerijs, terris, tenementis, & cæteris premiſſis, cum pertinentijs, ad vſum ſuperius recitat' ſeiſit' nuper exiſten', vel exiſten', quod ipſi habeant, & quilibet eorum habeat de tempore in tempus, tot & talia breuia, mandat', ac warrant' noſtra ſufficien', Iuſticiar' noſtris, Baronibus de Scaccario noſtro, Eſchaetoribus, Vicecomitibus, Receptoribus, Balliuis, & miniſtris quibuſcunque, & eorum cuilibet dirigend', quot & qualia eis & eorum cuilibet ꝓ exoneratione ſua verſus nos, hæred', & ſucceſſores noſtros in ea parte neceſſaria erunt & opportuna. Et vlterius de vberiori gracia noſtra damus & concedimus præfat' R. W. necnon præd' quibuſcunque alijs perſonis, & cuicunque alij perſonæ de diuerſis manerijs, terris, tenementis, & cęteris præmiſſis, cum pertinentijs, ad vſus ſuperius recitat' ſeiſit', vel ſeiſit' exiſten', quod hujuſmodi ingreſſus, ſeiſin', poſſeſſio, ꝓceptio, & occupatio, de, & in diuerſis manerijs, terris, tenemẽtis, & cęteris pręmiſſis, cum ꝓtinentijs, & qualibet inde parcell' per dict' R. W. aut ꝓ prædictum quamcunq; aliam perſonam, aut quaſcunq; alias perſonas, de diuerſ. maner', terr', tenementis, & cęteris præmiſſ. ſiue aliqua inde parcell' authoritate harũ conceſſionis & licentiæ noſtrarũ fact' & habit', fiend' & habend', ſit eis & eorũ cuilibet, & hæredibus ſuis, ac hæred' eorũ cujuſlibet, ꝓut ipſe in eiſdem hæreditabil' vt præfertur extitit, adeo bonæ, validæ, & efficaces, ac tanti vigoris & effectus in lege, ac ſi eadẽ dominia, maner', terr', tenement', & cætera præmiſſ. cum ſuis pertinẽtijs, & quælibet inde parcell' in manus noſtras debito modo capt' & ſeiſit' fuiſſent. Ac idẽ R. W. & quæcunque aliæ perſonæ, & quęcunque alia perſona de aliquibus diuerſ. manerijs, terr', tenement', ad vſum vt ꝑmittitur ſeiſit', vel ſeiſit' exiſten', vel exiſten' debitam liberationem eorundem dominiorum, maneriorũ, terrarum, tenementorum, & cęterorum præmiſſorum, cum pertinẽtijs, extra manus noſtras, ſecundum curſum Cancellar' noſtræ prædict' & ſecundum legem terr' noſtræ, ritè & debit' profecut' fuiſſent: Ac nobis de omni eo quod ad nos in ea parte pertinet, ſeu ꝓtinere poſſit, debet, aut deberet, ſatisfact' fuiſſet & cõtent', aliqua negligẽtia, omiſſion', miſpriſion', error', repugnãtia, cõtrarietat', aut aliquo alio defectu quocunque limitat', vel limitand', aſſign' vel aſſignand' in aliquo non obſtante: Homagio tamen & fidelitat' ꝑdict' R. W. nobis in hac parte debit' ſeu debẽd' ſemper nobis ſaluis & reſeruat'. Et vlteri' *(vt ſupra)* prefat' R. W. omnia & ſingula exit', reddit', proficua, reuentiones, & emolument' quæcunque omnium & ſingulorum prædictorũ dominiorum, maneriorum, terrarũ, tenemẽtor', & cęterorũ ꝑmiſſor', & cuilibet inde parcell', cũ omnibus & ſingulis

ſuis

ſuis pertiñ, a tempore quo prædict' R.W. accreuit plenam ætatem ſuam viginti vnius annor̃ hucuſq; & extunc prouenien, exeun, emergen, ſiue creſcen, & nobis qualitercunq; debit̃ ſiue ſpectañ. Habend, leuand, recipiend, gaudend, & retinend, omnia & ſingula eadem exit̃, reddit̃, proficua, reuerſiones, & emolumenta eidem R.W. executoribus & aſſignatis ſuis, de dono noſtro, tam per manus ſuas proprias, quam per manus ſeperaliũ, nuper nunc & impoſterum Eſchaetor̃, feodar̃, ſuperuiſor̃, vicecom̃, receptor̃, ball', et aliorum occupatorũ quorumcunq; eorund', ſiue alicuius inde ꝑcell' pro tempore exiſtent̃: Necnon aliorũ officiarior̃ nr̃orũ quorumcunque in ſeperalibus Com̃, in quibus dict' dominia, maneria, terr̃, ten̄t̃, & cætera premiſſa cum pertinen exiſtunt, ſiue aliqua inde parcell' exiſtit, abſque compoto, reſponſo, ſeu aliquo alio nobis, hærd', & ſucceſſoribus noſtris pro præmiſsis, ſiue aliquo ꝓræmiſſ. reddend', ſoluend', ſeu faciend'. Et vlterius volumus & cõcedimus per preſentes, quod tam præfat̃ R.W. quam omnes nuper nunc & impoſterum Eſchaetor̃, feodar̃, ſuperuiſor̃, vicecom̃, receptor̃, ball', firmar̃, et occupator̃ de hm̃di reuentionibus, exit̃, reddit̃, & proficuis ſeu aliquo præmiſſ. a prædict' tempore quo prædict' R.W. accreuit plenã ætatem ſuam viginti vnius annorũ, hucuſque & extunc prouenien, exeun, emergen, ſiue creſcen, abſque compoto, reſpon, ſeu aliquo alio nobis, hęred' & ſucceſſoribus noſtris inde reddend, ſoluend, ſeu faciend, erga nos, hæred, et ſucceſſores, & executores noſtros quiet̃ & exonerat̃ exiſtent̃, & eorum quilibet quiet̃ & exoner̃ exiſtet imperpetuum per præſentes, Et vlterius de vberiori gratia noſtr̃, ac ex certa ſcientia & mero motu noſtris, pro nobis, hęredibus, & ſucceſſoribus noſtris, perdonauimus, remiſimus, & relaxauimus, ac per præſentes perdonamus, remittim⁹, & relaxamus præf. R.W. omnes & omnimod intruſiones & ingreſſ. per dict' M.W. aut per prædict̃ R.W. cuius hæres ipſe eſt, aut per aliquam aliam perſonam, ſiue aliquas alias perſonas ad eius vſum ſeiſit̃ vel ſeiſit̃, de, & in prędd dominijs, manerijs, terr̃, ten̄t̃, & cęteris præmiſſis, ſeu aliqua inde parcella, quæ de nobis, vel de aliquo alio tenent̃ qualitercunque ante preſentem diem, habit̃, fact', aut perpetrat̃: Necnon omnes & omnimod perquiſitiones, alienationes, donationes, fines, compot̃, & forisfactur̃ de prædd dominijs, manerijs, terris, ten̄t̃, & cęteris præmiſſis, cum omnibus & ſingulis ſuis pertiñ, vel aliqua inde parcell', per dict' M.W. aut per prædict̃ R.W. aut per aliquam aliam anteceſſor̃ eiuſdem R.W. ſiue aliquas alias perſonas, ante mortem dicti M.W. ſine licentia noſtra habit̃, fact̃, aut perpetrat̃: Necnon omnes & omnimod actiones, ſectas, quærelas, impe-

titiones,executiones,& demand quecunq; quas vel quę verſus pf R. W vel aliquē anteceſſor pf. R. W. ſiue aliquas alias pſonas de & in pmiſſ. vel eorū aliquo habuimus,habemus,ſeu in futur habere poterimus vllo modo. Prouiſo ſemper q; hæ lr̄ę nr̄ę patentes, nec aliquid in eiſdē contenť,aliqualiter ſe extend ad onerand præf. R. W. vel aliquā aliam perſonam,ſiue aliquas alias pſonas,aut præd dominia,maner̄,terr̄,tenem̄t, & cætera pmiſſa, ſiue aliquam inde parcel,de & pro aliquo debito,ratione alicuius recognitionis ſiue obligatiō nobis, ſiue alicui progenitor̄ noſtrorum, ſiue alicui alij pſonę, ad vſum noſtrum cognit̄ ſeu deliberat̄. Eo q; expreſſa mencio de &c.

Per billā Cur̄ Ward & liberac' &c.

Bargaines and ſales.

Bargaine and ſale what? and of the inrolement thereof.

Sect. 393. VNto Grants,and contracts,ſucceede Bargaines and ſales, which be of manors,lands,tenements,hereditaments,and other things to tranſfer the propertie thereof from the bargainor to the bargainee for mony: But no manors,lands,tenements,or other hereditaments can paſſe, alter, or change from one to another, whereby any eſtate of inheritance or freehold is made, or taketh effect in any perſon or perſons,or any vſe thereof is made, by reaſon onely of any bargain and ſale therof, except the ſame be made by writing indented, ſealed, and inrolled in one of the Courts of Record at Weſtminſter, or within the ſame countie or counties where the tenements ſo bargained do lie, before the *Cuſtos Rotulorum*, and two Iuſtices of the peace, and the Clerke of the peace of the ſame countie or counties,or two of them at the leaſt, whereof the Clerke of the peace to be one,and that within 6.moneths after the date of ſuch writings indented,27.H.8.c. 16.And they are made as followeth.

A Bargaine and ſale of a meſuage and lands,&c.

Sect. 394. THis Indenture made &c. Betweene I.B. W.B. and N. of the one party,and T.P.on thother party, Witneſſeth, that the ſaid I. B. W.B.and N.for,and in conſideration of one C.li.of lawfull Engliſh money to the ſaid &c. haue bargained, ſold, giuen,and granted, and by theſe preſents doe fully, clerely, and abſolutely bargaine, ſell, giue, and graunt vnto the ſame T. P. all, and all manner of thoſe meſſuages, landes,tenements, meadowes,paſtures, feedings, and all other

heredi-

hereditaments whatſoeuer, being freehold or charterhold, ſet, lying, and being in the townes and fields of &c. or any of them, in the county of N. which late were the meſſuages, lands, &c. of R.W. in vſe, poſſeſſion, right, reuerſion, or remainder. To haue and to hold the ſame meſuages, lands, &c. with all and ſingular the appurtenances &c. vnto the ſame T.P. his heirs and aſſigns for euer, to the only vſe and behoſe of the ſaid T.P. his heires and aſſignes for euer. And the ſaid I.B. and W.B. and euerie of them do couenant &c. that they the ſaid I.B. and W.B. or one of them now bin, or is true and rightfull owner or owners &c. of all &c. before by theſe preſents mentioned to bee bargained and ſold, and that the ſaid premiſſes and euery parcell thereof, now be, and ſo ſhall continue clearely diſcharged and eronerated, of, and from all other former bargaines &c. As in couenants to bee diſcharged, with reaſonable exceptions. And the ſaid R.C. I.B. &c. that they the ſaid I.B. W.R. and the ſuruiuors of them, and the ſaid N. and all and euerie other perſon and perſons and their heires, now hauing, or which hereafter ſhall or may iuſtly claime to haue any right, title, eſtate, or inheritance, in, and to the afore bargained premiſſes, or any parcell thereof, ſhall at all times within ſeuen yeares next after the date hereof, doe ſuffer, acknowledge &c. As in couenaunts of further aſſurance. And the ſame R.C. I.B. and W.B. &c. that they the ſaide &c. or one of them, their heires, executors, &c. ſhall deliuer, or cauſe &c. to the ſaid T.P. his heires, &c. to the vſe of the ſaid T.P. his heires and aſſignes, before the feaſt of &c. As in couenants to deliuer euidences. And the ſame R.I. and W. &c. that if it ſhall fortune A.B &c. or any of them, which do or ſhall ſtand iointly and ſeuerally bounden with the ſaid R.C. and I.B. to the ſaid T.P. by one writing obligatorie, bearing date &c. in one hundred and fifty pounds, indorced with condition for the performing, fulfilling, and keeping of the couenants, grants, articles, and agreements contained in theſe &c. of the part of the ſaid &c. their executors &c. to bee performed and kept, or either of them to depart this preſent life, before any perfect, ſufficient, and conuenient aſſurance bee made from the ſaid &c. or either of them, or any other perſon or perſons that hereafter ſhall bee the right heire or heires of the ſaid Y.B. or of the ſaid I. and W. that then the ſaid R.C. I.B. and W.B. or one of them, their heires &c. of them, ſhall within one quarter of a yeare, next after the death of any of them, the ſaid R.C. I.B. W.B. A.B. and S.F. cauſe the ſuruiuor or ſuruiuors of the ſaid obligors, together with ſo many other good and ſufficient perſõs, in the ſtéed of ſuch, and ſo many of the ſaid obligors as ſhalbe thẽ deceaſed,

to become iointly and ſeuerally bounden by their writing obligatorie, as their deede ſufficient in the Law to the ſame T. P. his executors or aſſignes, in 150. pounds of good and lawfull money &c. indorced with ſuch like condition in effect, according to the true meaning hereof, as is contained in the indorcement of the ſame former obligation: ſo that the ſame T. P. his executors or aſſignes, will vpon the deliuerie of the ſame writing obligatorie, deliuer out the foreſaid former Obligation to the ſame R. T. his executors or aſſignes to bee cancelled, In witneſſe &c.

A bargaine and ſale of lands forfeited vpon a Mortgage.

Sect. 359. THis Indenture &c. Witneſſeth, That whereas one R. B. by his deed indented, Dated &c. did giue &c. vnto the ſaid W. W. his heires and aſſignes, to the vſe of the ſame W. W. his heires and aſſignes, (rehearſing the lands:) vpon this condition, That if the ſayd R. B. ſhould pay, or cauſe to bee paied to the ſaid W. W. or his certaine atturney, executors or aſſignes, the ſumme &c. in manner and forme following: That is to ſay &c. at the feaſt &c. in full paiment &c. and alſo vpon other conditions in the ſaid deed indented, ſpecified, and mentioned: Which ſaid conditions for the payment of the ſaid &c. the ſayd R. B. hath broken and not performed, by reaſon whereof the ſayd W. W. is preſently ſeiſed of the ſaid premiſſes with the appurtenances to him and his heires, without any manner of condition, for euer. Wherefore the ſayd W. W. for the ſumme &c. doth by theſe preſent Indentures plainely and fully bargaine and ſell vnto the ſaid R. B. his heires and aſſignes for euer, the landes before morgaged &c. All ſuch couenaunts to be put in this Indenture, as in the Indenture of Bargaines and Sales before in this booke, for acts done by the vendee only. And ouer this the ſaid W. W. for him, his heires &c. doth couenant &c. by theſe preſents, that neither he the ſayd W. W. or any other for him, or by his commandement or agreement, hath receiued of the ſayde R. B. or of any other perſon or perſons, the aboueſayd ſumme &c. at the daies and times before remembred or appointed for the payment thereof, nor at any time or times after the ſame dayes: Nor that the ſayd R. B. or any other for him hath paied, or offered to pay the ſaid ſumme &c. at the daies and times aforeſaid, or at any time or times after the ſame day of payment. And ouer this alſo, that hee the ſayd W. W. his heires, executors, or aſſignes, hath not made, nor hereafter ſhall make vnto the ſaid R. B. his heires or

aſſignes

aſſignes, or any of them, any acquitance, releaſe, or diſcharge of the ſaid ſumme of &c. or any parcell thereof, or of any condition or conditions ſpecified in the ſaid deed indented. In witneſſe &c.

A Bargaine and ſale of a Mannor.

THis Indenture made &c. Betweene the high and mightie Prince Sect. 396.
H. Duke of S. Marques Dorſet, Lord &c. of the one party, and A. F. &c. Witneſſeth that the ſaid D. for and in conſideration aſwell of the ſum &c. to him by the ſaid A. F. at thenſealing of theſe preſent Indentures, well and truely ſatiſfied, contented and paied &c. and alſo for the ſumme of &c. to him the ſaid D. to be paied, in maner and forme hereafter in this preſent Indentures declared, hath giuen, granted, bargained, and ſold, and by theſe preſents &c. to the ſaid A. F. all that his Manor of H. with the appurtenances in the ſaid Countie of S. and alſo his meſuage, grange, cottages, milles &c. lands, tenements, meadowes, leaſures, paſtures, parkes, commons, waſt grounds, firres, heathes, mariſhes, woods, vnderwoods, waters, waies, fiſhings, rents, reuerſions, ſeruices, courts, profits of Courts, leets, viewes of frankpledge, and all that to his view of frankpledge doth appertaine, goods and cattels waiued and ſtraied, goods and cattels of felons, and fugitiue perſons, fees, wards, mariages, eſcheats, reliefes, heriots, fines, amerciaments, liberties, priuiledges, and all other profits, commodities, emoluments, and hereditaments whatſoeuer in H. aforeſaid, and elſewhere, within the Countie of S. aforeſaid, to the ſaid Manor belonging, or in any wiſe appertaining, or accepted, reputed, or taken as part, member, or parcell of the ſame manor, in as large and ample maner and forme, as the ſame D. hath the ſame. And alſo thadowſon, gift, free diſpoſition, and right of patronage of the Rectorie and Church of the manor of H. aforeſaid. And alſo all maner deeds &c. As in ſale of writings, with couenant to deliuer them, *infra* 399. *b*. To haue and to hold the ſaid manors, meſuages, &c. And the ſaid D. &c. that hee the ſame D. his heires and aſſignes, on this ſide, or before the feaſt of &c. ſhall make, or cauſe to be made &c. As in couenants of aſſurance. And that hee the ſame D. and his heires, aſwell as the ſaid A. F. and his heires and aſſignes &c. all the ſaid manors, landes, tenements, and other the premiſſes and euery part or parcell thereof, ſhalbe cleerely exonerated &c. As in couenants of diſcharging, rents, ſeruices, and cuſtomes, from thence forth to be payed, or going out, or from the ſaid manors, landes, tenements, or other the premiſſes to the Queene our Soueraigne Ladie,

or to any other person or persons, and all leases, graunts, for terme of yeares, and life, or liues, or by copie of Court Roll of the said manors, and other the premisses, or any part or parcell thereof heretofore made, whereupon the auncient and accustomed rents or more bene reserued yearely, onely excepted. And the same D. &c. that the said manors, lands, tenements, and other the premisses bin at the day of thensealing of these present Indentures, of the cleere yearely value of rr. pound, ouer and aboue all yearely charges and reprises, and so the said yearely rent shal and may stand and continue without fraud or couin. In consideration of the which bargaine and sale, and other couenants, grants, articles, and agreements made on the part and behalfe of the said D. well and truely to be obserued, performed, fulfilled and kept, according to the intent, purport, and true meaning of these present Indentures. The said A. F. couenanteth &c. that he the said A. F. his heires and assignes, at, or before the feast of &c. next comming after the date of these presents, at the mansion house of the said D. commonly called S. in the parish of Saint M. in the field, in the county of &c. between the houres of nine and rr. of the clocke of the forenoone of the same day, shall content and pay, or cause to be contented and paied to the said D. the sum of &c. for the purchase, cleere bargaine and sale of the same manors, lands &c. and other the premisses. In witnesse &c.

A Bargaine or sale of Annuities.

THis Indenture &c. Witnesseth, that the said W. for him his heires and executors, hath bargained and sold &c. the yearely rent or Annuitie of fiue pounds &c. going out of the manors of W. and C. And also the said W. bargaineth and selleth &c. one other annuall or yearely rent or annuitie of r. pounds also, yearely going out of &c. and all his right, title, and interest, in and to the said seuerall annuities, and to either of them. To haue, hold, inioy, leuie, take, and receiue the said seuerall Annuities and yearely rents of fiue pounds, and tenne pounds to the said R. &c. at the feast of &c. And furthermore the said W. couenanteth &c. that he the said W. and his heirs before the feast of &c. shal make a good, sure, and sufficient estate, and lawfull grant in fee simple to the said R. and his heires and assignes, of and in the said seuerall annuities or yearely rents of &c. discharged &c. And furthermore the said W. couenanteth &c. with couenants that the vendor may lawfully distraine for the rent, and that he is seised &c. In witnesse whereof, &c.

Sect. 397.

A sale

A ſale of a Reuerſion.

THis Indenture &c. Betweene &c. Witneſſeth, that the ſaid R. the day of the making hereof, hath bargained &c. vnto the ſaid B. and vnto his heires for euer, all the reuerſion when it ſhall happen to come and fall, incontinently by and after the death of I. G. grandmother to the ſaid R. of, and in all thoſe lands, &c. and all his right, claim, title, vſe, poſſeſſion, and intereſt, of, and in the ſame, who is tenant thereof for terme of her life. In witneſſe &c. Sect. 398.

A Bargaine and ſale of a Reuerſion.

THis Indenture made &c. Betweene R. B. of M. in the Countie of S. gentleman, and R. his wife of thone partie, and T. S. of G. in the county of S. Clothier on the other party, Witneſſeth, that the ſaid R. B. and R. his wife, for the ſumme of &c. to them by the ſaid T. S. wel and truly contented and paid at thenſealing hereof, whereof and wherwith the ſaid R. B. and R. his wife acknowledgeth themſelues wel and truely to be contented and paid, And thereof, and of euery part and parcell thereof doth clérely acquite and diſcharge the ſaid T. S. his heires and executors, by theſe preſents, haue bargained and ſold, and by theſe preſent Indentures do bargaine and ſell clérely vnto the ſaid T. S. his heires and aſſignes, the Reuerſion of all thoſe their lands and tenements with thappurtenances in G. aforeſaid, called and known by the name of &c. thereunto belonging or appertaining, or with the ſame of late vſed, or to ferme letten, be it more or leſſe, late in the tenure and occupation of T. C. and E. his wife, mother to the ſaid R. as in the right of the ſaid R. during her naturall life, or of their aſſignes, and now in the tenure of T. S. for terme of yeres, yet incuring of the leaſe and demiſe of the ſaid T. C. and E. Together with all ſuch deeds, charters, euidences, eſcripts, writings, and muniments, concerning the premiſſes only, or any part or parcell thereof, as now be in the poſſeſſion, cuſtody, and keeping of the ſaid R. or in the cuſtodie or keeping of any other perſon or perſons to his vſe, or by his deliuery, and which hee may come by without any ſuit in the law. And the ſame deeds, charters, euidences, eſcripts, writings, and muniments, the ſaid R. B. and R. his wife, couenanteth and granteth by theſe preſents, to and with the ſaid T. and his heires, to deliuer, or cauſe to bee deliuered to the ſayd T. S. his heires, executors, adminiſtrators, or aſſignes, before the feaſt of All Sect. 399.

Saint next comming after the date hereof. To haue and to hold the reuertion &c. with their appurtenances to the ſaid T.S. his heires and aſſignes, to his and their owne vſe for euer, for, or according to ſuch rate and yerely value, as the ouerplus of the ſaid lands ſo exchanged by the ſaid R.H. with the ſaid T.S. ſhall come and amount vnto, ouer and aboue the yearely value of the ſaid manor, and other the premiſſes exchanged by the ſaid T.S. with the ſaid R.H. according to the rate and extent of twentie yeares purchaſe. Prouided alwayes, and it is couenanted and agréed betwéen the ſaid parties T.S. and R.H. by theſe preſents, that the ſaid lands, tenements, and other the premiſſes, ſhall bee reaſonably and indifferently rated, extended, and valued: And that after ſuch extent, rate, and value of the premiſſes ſo had and made, the ſaid T.S. his heires, executors, or adminiſtrators, ſhal content and pay to the ſaid R.H. his heires, executors or aſſignes, within the ſpace of twelue monethes, next after notice giuen to the ſaid T.S. his heirs or executors, all ſuch ſummes of mony, as the ſaid ouerplus ſhal be valued and rated to amount vnto, in forme aforeſaid, according to rr. yeares purchaſe. And furthermore, it is couenanted &c. that either of the ſaid parties to theſe preſents, and the heirs of either of them, ſhall at all time and times hereafter, during the ſpace of three yeres, next inſuing the date hereof, do and ſuffer to be done, all and euery ſuch reaſonable act or acts, thone of them to the other, as ſhall be reaſonably deuiſed or aduiſed by either of the ſaid parties, the heirs or aſſignes of either of them, or the learned counſell of either of them, for more better aſſurance and ſure making of the ſaid manors &c. and all other the premiſſes with their appurtenances, exchanged betwéene the ſaid parties by theſe preſents, according to the true intent and meaning hereof, be it by fine, feoffement, recouerie, déede, or déedes inrolled, releaſe, confirmation, or otherwiſe with warrantie, onely of the ſaid parties and their heirs, againſt themſelues, and their heires. In witneſſe whereof &c.

A Bargaine and ſale of the Patronage of a benefice.

Sect. 400. THis Indenture made &c. in the yeare of &c. Betweene H.D. on the one partie, and H.S. on the other partie, Witneſſeth, that the ſaid H.D. for certaine conſiderations, and alſo for the ſumme of &c, hath bargained and ſold, and by theſe preſents doth cléerely and fully bargaine and ſell vnto the ſaid H.S. all that the Aduowſon, Patronage, right of patronage, gift, nomination, preſentation, and free diſpoſion, of, and vnto the parith Church of T. in the Countie of C.

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together with all and all maner of euidences, deeds, writings, and muniments, concerning the ſaid aduowſon and patronage of the church afoꝛeſaid. To haue and to hold the afoꝛeſaid aduowſon, and all other the pꝛemiſſes with thappurtenances vnto the ſaid H.S. his heires and aſſignes, to the only vſe and behoſe of the ſaid H.S. his heirs and aſſignes foꝛ euer. In witneſſe &c.

A bargaine and ſale of Copihold lands.

THis Indenture &c. Betweene M.R. widdow, late the wife of T.R. while he liued, Citizen and Tauerner on the one partie, and R.B. Seriant at the Law on the other partie. Witneſſeth, that the ſaid M. and T. haue bargained &c. to R.B. all the meſſuages &c. whether they bee freehold oꝛ copihold, oꝛ whatſoeuer tenure they bee of. And the ſaid M. and T. &c. that they ſhall make the ſaid R. and his heires, oꝛ him, and other perſons and their heires, at the nomination of the ſaid R. oꝛ his heires, ſure of the ſaid meſuage &c. beſoꝛe the feaſt of &c. next comming, by ſurrender thereof into the Loꝛds hands, to the vſe of the ſayd R. and his heires, to the vſe of him and other perſons by him to be named, and to their heires, oꝛ otherwiſe, at the expences, coſts and charges in the Law of the ſaid M. and T. oꝛ one of them, their executoꝛs oꝛ aſſignes. And alſo at the like expences, as well foꝛ the Loꝛds fine, as foꝛ other things, ſhall cauſe the Loꝛd of the Manoꝛ foꝛ the time being, of whom the ſaid meſuage, and all other the pꝛemiſſes bee holden, to make a ſure graunt, ſeiſin, poſſeſſion, and deliuerie, of and in all and ſingular the ſame to the ſaid R. and his heires, oꝛ to him, and other perſons at his nomination, and to their heires, accoꝛding to the laudable vſe and cuſtome of the ſame Manour heretofoꝛe vſed. And furthermore the ſaid M. couenaunteth and graunteth, that if the ſaid R. oꝛ ſuch perſons at his nomination, which ſhall haue the ſaid meſuages &c. and other the pꝛemiſſes, without couin oꝛ colluſion bee lawfully euicted, diſpoſſeſſed, oꝛ diſſeiſed of the ſaid meſuage &c. beſoꝛe the feaſt of Eaſter nert comming: That then the ſayd R. and his heires, ſhall within the ſpace of thꝛee moneths nert after any ſuch euiction, diſpoſſeſſion, oꝛ diſſeiſin, haue as much lands and tenements of the afoꝛeſaid M. and T. which they oꝛ either of them haue oꝛ had in their poſſeſſion, reuerſion, oꝛ vſe, at the election and pleaſure of the ſaid R. as ſhall amount to, and bee of the cleere yerely value of the ſaid meſuage &c. oꝛ of as much part thereof, as the foꝛeſaid R. ſhall be ſo lawfully euicted and diſſeiſed of, oꝛ that ſhall not bee aſſured to the ſaid R. beſoꝛe the feaſt of Eaſter aboue rehearſed. To haue

Sect. 401.

and

and to hold &c. And also the said M. bargaineth and selleth to the said S. all maner of stuffe, goods, habilliments, and implements to them, and either of them pertaining and belonging, being in the same mesuage, garden, houses, &c. at the day of sealing of these presents. And the said M and T. doth grant, that they shall discharge &c. the yearely rent of &c. And that the said R. shall haue and take the profits, from the feast of S. Michael last past &c. For which sale and bargaine of all and singular the premisses, on the part of the said M. and T. to bee obserued, performed, and done, the said R. hath contented and paid &c. In witnesse &c.

A sale of a Wardship.

Sect. 402

THis Indenture &c. Witnesseth, that whereas our Soueraigne Lady the Quenes Maiestie that now is, of her speciall grace, certaine knowledge, and meere motion, by her highnes Letters Patents, sealed with the great Seale of England, bearing date &c. did giue &c. to the said H. S. by the name of her highnesse faithfull and well beloued seruant H. S. Esq. the custodie of the bodie and marriage of H. L. her highnesse Ward, sonne and heire to H. who at the day of his death did hold certaine Lands and Tenements in B. of N. of I. C. our Soueraigne Ladie the Quenes highnesse ward, as of his Manor of R. in the said countie &c. now being in the Quenes Maiesties hands, by reason of the minoritie of the said I. C. by the third part of one knights fee. To haue, possesse, and enioy the custodie of the body and marriage of H. R. vntill such time as the said S. his heires or assignes shal haue, had, or taken the effect of the said mariage of the said H. C. as by the letters Patents more plainely appeareth: The said H. S. now by these presents Indentures, for the summe of &c. of good and lawfull &c. to him by the said E. R. payd and truely contented &c. doth plainely and fully bargaine, sell, giue, and graunt vnto the said E. R. his executors or assignes, the custodie and Wardship of the body and mariage, without disparagement, of the said H. R. and also the Letters Patents aforesaid: To haue, inioy, and possesse the same custodie and wardship of the bodie and mariage of the said H. R. without disparagement of the said E. R. his executors, and assignes, vntill such time as the said E. R. his executors, administrators, and assignes, shall take or haue the effect of the mariage of the said H. R. in as ample and large manner and forme, as the said H. S. the custodie, wardshippe, or mariage hath by the said Letters patentes, or otherwise. And the said E. R. doth couenant &c. that he the said H. S. &c. or such other person or persons

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sons, as the said Y. S. by his last will and testament, or otherwise, shall thereunto name or appoint, shall and may haue the custody, possession, and education of the said Y. R. during the minoritie of the said Y. R. without any let, impediment or disturbance of the said E. &c. or any of them. And that he the said Y. R. his heires and assignes, shall quietly and peaceably haue, and for euer inioy all lands, tenements, and hereditaments that to them doth belong, without any let, impediment, or interruption of the said E. his executors, administrators, or assignes, or any of them, for, or by reason of any value of mariage, or forfaiture of mariage &c. In witnesse &c.

Of a Bargaine of wheat.

THis Indenture made betweene A. B. &c. and C. D. &c. Witnesseth, that the said A. B. hath bargained and sold, and by these presents bargaineth and selleth vnto the said C. D. rr. quarters of Wheate, and rr. quarters of Rie, good Wheat, and Rie, cleane and marchantable, with the best, accompting viij. bushels with the heape to euery quarter. All which rr. quarters of Wheat, and rr. quarters of Rie, the said A. B doth couenant &c. that he, his executors or assignes, at his or their owne cost and charge, shall deliuer, or cause to be deliuered to the said C. D. to his executors or assignes, franke and free, at the dwelling house of the said C. D. at L. aforesaid, before the feast of &c. For the bargaine and sale of all which rr. quarters of Wheate and rr. quarters of Rie, and for the deliuerie thereof in maner and forme aforesaid, the said C. D. couenanteth &c. to pay or cause to be payed to the said A. B. his executors or assignes, for euery quarter of the said Wheat eight shillings &c. and for euery quarter of the said Rie, fiue shillings &c. in manner and forme following: That is to say, &c. In witnesse whereof &c. Sect. 403.

A sale of Timber.

THis Indenture made &c. Witnesseth, that the said I. B. for a certaine summe of money to him in hand paid by the said R. S. whereof the said I. B. knowledgeth himselfe &c. hath bargained and sold, and by these presents for him, his heires, executors and assignes, for euer doth bargain and sell xl. Okes as they stand now and grow in a certaine wood called by the name of B. within the parish of D. in the said countie of S. and as the same forty Okes and euery of them are before the inlealing ad deliuery of these present Indentures, signed and marked by the full assent and agreement of the said parties. To haue and inioy Sect. 404.

inioy the said fortie Okes so signed, and marked, with all commodities belonging to the same, vnto the said R. S. his executors and assignes from the day of the date &c. aswell the said R. his executors and assigns and seruants, to haue free liberty of accesse, recesse, course and recourse, at all times at their will and pleasure, to and from the said wood called B. without any let, denial or interruption of the said I. B. his heires or assignes, as also to hew, square, saw, and barke the same Okes, or any of them. And also to vse any deuise with horse, carts, and wanes, and all other deuises for the carrying away of the same fortie Okes, and euery of them. And also that the said R. S. his executors and assigns, to haue free liberty vntill the feast &c. to dig pits, called saw pits, within the said wood called B. where he thinketh best, so that the same pits bee filled vp againe by him the said B. his executors or assignes, within fiue weekes after the carrying away of the said wood and trees. And that he the said R. S. his executors or assigns, shall fence and amend the hedges and fences, in, and about the premisses, in all such places as shalbe broken, troden downe, or otherwise wasted by occasion of the premisses, at his or their charges, on this side &c. taking sufficient hedgebote vpon the same grounds for the doing of the same. Prouided alwaies that the said R. S. his executors, assignes, or seruants, shall at no time hereafter lawfully doe any hurt or damage, either of the grasse or corne, other then for the necessary cutting, sawing, and carrying of the said wood and trees. In witnesse &.

A sale of wood.

Sect. 405

THis Indenture &c. witnesseth, that the said A. B. the day of the making hereof, hath bargained and sold, and by these present Indentures doth clerely bargaine and sell vnto the said E. all those his woods and vnderwoods, now standing and growing, in and vpon his groues or hedgegroues called M. in the parish of N. in the County of Essex. And the said E. doth couenant and grant by this Indenture, that he, his executors or assignes shall leaue standing, in, and vpon the foresaid lands called M. competent and suffient stathels and storers, according to the custome in the same countrey heretofore vsed, And also the said E. doth couenant and graunt by this Indenture, that hee, his executors or assignes, at their owne costes and charges, all hedges and defences belonging to the said groues and hedgegroues, well and sufficiently shallamend, restore and repaire, when and as often as need shall require, from the day of the felling of the said woodes, to the end and terme of &c. then next insuing, for the safegard of the

springs

spyings growing vpon the same. And the said C. doth further couenant and graunt by these presents, that hee, his executors or assignes shall not fell any of the said woods or vnderwoods, but in due and seasonable times of felling: that is to say, yearely betweene the feasts of S. Michael tharchangell, and the Annuntiation of our blessed Lady the Virgin, from the feast of S. Mich. the archangel next comming after the date hereof, to the end and terme of &c. from thence next insuing, fully to bee complete and ended. And the foresaid A.B. for his part doth couenaunt and graunt by this Indenture, that the said C. his executors and assignes, shall haue free ingresse and regresse, to and from the said woods and vnderwoods, with horse, cart, and carriage, at all times according to his pleasure for the felling, hewing, cutting downe and carrying away the foresayd vnderwoodes, in manner and forme afore declared, during all the foresaid terme, without let or interruption of any person or persons. For the sale and bargaine of all which woods and vnderwoods, the said C. doth couenant and grant by these presents, to pay or &c. of which &c. the said B.B. knowledgeth himselfe well and truely satisfied and paied, and thereof and of euery parcel of the same clearely doth acquite and discharge the said A. his heires and executors by these presents. In witnesse &c.

A Bargaine and sale of Woods.

THis Indenture &c. Witnesseth, that the sayd R. hath bargayned and sold &c. all those his woods and vnderwoods, called & known by the name of &c. except the land and soile of the said woodes and vnderwoods, and also waiuers called standers of &c. onely excepted and reserued to the sayd R. and to his heires, executors, and assignes. And the said T. couenanteth, that hee the said T. shall fell and carrie away all the said woods and vnderwoods (except before excepted) within two yeares next insuing the date of these presents, at meete and seasonable times in the yeare, so that the spring of the same woods may come and grow againe in due course. And the same T. couenaunteth &c. *vt supra* 405. And further the said T. couenaunteth &c. that hee the sayd T. shall acquite, discharge, and saue harmeles the said R. his executors, and assignes, against all men, of, and for the payment of any maner of tithe which shall happen hereafter, or rise to bee due or demaunded, of, and sold, as is aforesayd. Prouided alwaies, and it is further couenaunted &c. that if it happen the said T. hereafter lawfully to bee interrupted &c. by any person or persons pretending any lawfull title to the premisses. Sect. 406.

premisses, within one yeare next insuing the date of these presents, so that he cannot or may not lawfully take, sell, and carrie away the sayd wood, according to the true meaning of these presents, and of the couenants comprised within the same: That then the sayd R. or his executors shall allow and pay vnto the said T. his executors or assignes, the value of the said woods that shall happen to bee lawfully taken away from the sayd T. after the reasonable rate and value of the sayd woods that so shall happen to bee lawfully taken away from the sayd T. his executors or assignes, contrarie to the true meaning of these presents &c.

Defeasances.

A Defeasance of a rent by obtaining estate in lands.

Sect. 407

THis Indenture &c. Betweene M. W. and I. Y. Witnesseth, that where the said I. Y. in fulfilling and performing of part of certaine couenauntes, specified and declared in a paire of Indentures made betweene the said I. Y. on the one partie, and the sayd M. W. of the other partie, by his deede bearing date &c. hath giuen and granted to the sayde M. W. an annuall and yearely rent of &c. To haue and to hold the sayde annuall or yearely rent of &c. to the sayd M. W. his heires and assignes, for and during the life of E. M. with a sufficient clause of distresse comprised in the sayd graunt, for nonpayment of the said yearely rent of &c. Neuertheless, it is now fully couenanted, graunted, and agreed betwixt the sayd parties in manner and forme following: that is to say, the said M. W. couenaunteth &c. that if the said I. Y. at any time hereafter do obtaine and get the estate and interest of the said E. M. which hee hath in and to the said Manor &c. and thereof doe make one sufficient estate to the said M. during the life of the said E. that then the said grant of the said annuall rent of &c. shall from thencefoorth cease, bee determined, and vtterly void and of none effect: any thing in the said former Indentures mentioned, or in the said graunt of annuitie contained to the contrarie in any wise notwithstanding. And further the said M. W. couenaunteth &c. that if it happen the said M. W. his heires, executors, administrators, or assignes, or any of them to make default in payment of the sayde summe of &c. mentioned in the said former Indentures, or of any part thereof, and do not make due payment therof at such daies and times, as are mentioned in the said former Indentures; That then it shall

be

be lawfull to the said I. H. his heirs or assignes, to retaine the said annuall or yerely rent of &c. in his or their proper hands: And the said annuitie or yerely rent shalbe suspended and not demanded nor paiable, vntil such time as the said I. H. his heires &c. be fully contented, satisfied, or paid of the said entire summe of &c. and of euery part thereof, ouer and beside his costs and charges for the withholding and nonpaiment of the same summe of &c. any thing in the said former Indentures, or in the said grant of annuitie, or in these Indentures mentioned, to the contrarie thereof in any wise notwithstanding. In witnesse &c.

A Defeasance vpon a Bargaine and sale.

THis Indenture &c. Betweene &c. Witnesseth, that where the said G. by his deede indented, dated &c. for the summe of &c. hath fully bargained and sold &c. Neuertheless, it is now fully couenanted &c. that if the said G. his heires &c. do well and truely content and pay againe to the said T. his executors &c. the said sum of &c. and euerie part thereof at one whole and intier payment, before the feast of &c. That then it shalbe lawful to the said G. and his heirs, vpon the repaiment of the said summe of &c. to reenter into the said manor of &c. As in couenants of reentrie. And that then and from thencefoorth after the repaiment of the said sum of &c. the said T. and his heirs shal stand and be seised of and in the said manor &c. to the vse of the said G. and his heires: And that all estats, assurance, and conueiance therof then had and made to the said G. and to his heires, or to any other person or persons, shall after the repaiment of the said sum of &c. be to the vse of the said G. and of his heires for euer: any thing in these Indentures to the contrarie in any wise notwithstanding. And further the said G. couenanteth &c. that if it shall happen the said G. his heires &c. or any of them to make default of repaiment of the said summe of &c. *vt supra*. That then it shalbe lawfull vnto the said T. and his heirs, to haue, hold, occupy and inioy to him and to his heirs for euer, the said manor &c. without condition or mortgage, and without let or disturbance, or interruption of the said G. his heires &c. or of any other person or persons by his or their procurement, assent, or commaundement. And that bee the said G. and his heires, and A. his wife, at all times hereafter the said feast of &c. vpon default of repaiment of the said summe of &c. shall doe, suffer, knowledge, and cause to be suffered, done and knowledged from time to time, all and euery such act, deuise, thing and things, as shalbe reasonably deuised or aduised by the said T. or his heirs &c. be it by fine, feoffement, reco-

Sect. 408.

recouerie, releaſe with warrantie, confirmation with warrantie, or otherwiſe. And that the ſaid Manor at the time of the making of the ſaid further aſſurance, in manner and forme aforeſaid, ſhall then be diſcharged of all incumbrances, of what kinde, degree, or nature ſoeuer they bee, except leaſes and chiefe rent &c. And furthermore the ſayd T. couenanteth &c. if the ſayd G. his heires or executors do make default, and donot repay againe the ſayd ſumme of &c. to the ſaid T. his &c. in manner and forme aforeſaid: That then the ſayd G. vpon a perfect and further aſſurance and ſure eſtate of the ſaid Manor &c. had and made by the ſaid G. and A. his wife to the ſayd T. and to his heires, ſhall content and pay to the ſayd G. his &c. the ſumme of &c. in full contentation and paiment &c. for the ſaid manor &c. before bargained and ſold to the ſayd T. and to his heires, in manner and forme before recited and declared in theſe preſents. And further the ſaid T. couenaunteth &c. that if the ſaid G. doe make default in payment of the ſaid ſummes of &c. and that the ſaid manor then after that be duely proued vpon a lawfull and true ſuruey thereof had and made, to be of more yerely value than &c. by yere: That then the ſaid T. his heirs or executors ſhall content and pay to the ſaid G. his heires or aſſigns within one yere after the ſame ſuruey, for as much of the ſaid Manor as vpon the ſaid ſuruey ſhalbe duely, truely, and cleerely proued to be, and amount in yerely value aboue the ſummes of &c. by the yere, ouer all charges, after the rate of xx. yeres purchaſe. In witneſſe &c.

Mortgage.

A Mortgage vpon condition to pay a certaine ſumme at a certaine day.

Sect. 409

OMnibus &c. Sciatis nos præfat T. & L. pro diuerſis, boniſque cauſis & conſiderac' nos ſpecialiter mouent, vnanimi aſſenſu & conſenſu noſtris, dediſſe &c. W. M. &c. hæred & aſſign ſuis, vnum tenement cum ędificijs &c. Quod quidem tenementum cum ædificijs &c. nos præfat. T. & L. ſimul cum quibuſdam alijs pſonis, nuper habuimus nobis, hæred & aſſignat noſtris, ex dono &c. H. & P. de &c. executorum teſtament & vltim voluntat W. C. ſub quadam conditione iam perimplet & pformat, prout per quandam ſuam chartã nuper inde nobis & dictis alijs perſonis confect, cuius dat &c. plenius liquet et apparet. Habend et tenend pd' tenementum, ac cætera omnia præmiſſa cum ſuis ptin pf. W. M. hęred et aſſig-

& assign̄ suis ad solum opus & vsum ipsius W.M. hered̄ & assign̄ suorū. Sub forma tamen, & conditione sequen̄, viz. q̄ si nos p̄f. I.D. & L. vxor mea, aut aliquis nostr̄ her̄, execut̄, administr̄ vel assign̄ nostr̄ soluamus seu solui faciamus pred̄ W.M. execut̄, administrat̄ vel assign̄ suis, in vel apud modo domum mansional̄ ipsius W.M. in ciuit̄ M.v.l. legalis &c. modo & forma sequen̄ viz. ad festum &c. prox. futur̄ post datum p̄sent̄ 20.s. &c. in plena soluc' pred̄ 5.l. Quod tunc presens status & seisina de & in premissis in forma pred̄ deliberat̄, & capt̄, vacuę sint, nullius q̄ effectus neq; valoris, alioquin presens status & seisina de & in p̄missis in forma pred̄ deliberat̄ & capt̄ firma sint & stabil̄, tantummodo ad opus & solum vsum pred̄ W.M. hered̄ & assig' suorum. Tenendum &c. Datum &c.

A Fee-farme in Mortgage.

OMnibus &c. Salut̄ &c. Cum C.W. dederit &c. gercū dat̄ vltim̄ die D. ante datum presentium vltim̄ preterito, mihi præfat̄ I. confirmauerit omnia illa terras &c. Habendum & tenendum mihi hered̄ & assignat̄ meis imperpetuum, prout in eadem charta sua mihi inde confecta plenius continetur. Noueritis me præfat̄ I. dimisisse concessisse, & hoc presenti script̄ meo indentat̄ confirmasse prædict̄ C. omnia illa predict̄ terras &c. Habendum sibi heredibus & assignatis suis imperpetuum sub forma & conditione sequentibus viz. quod si p̄d̄ C. soluat̄ &c. mihi præfat̄ I. attornato vel executoribus meis in &c. ad festum &c. quod extunc præsens charta indentata, & seisina inde liquerat̄ suum robur obtineant & effect. Et si defect̄ fiat in solutione p̄d̄ 20.l. contra formam pred̄, extunc præsens charta indentata & seisina inde liberata sint vanę ac pro nullo habeant̄, & tunc bene licebit mihi &c. In cuius &c. Sect. 410

But if there bee many dates of payment, then yee may proceed after this forme following. Si predict̄ C. soluat aut solui faciat hered̄ seu execut̄ sui soluant, aut solui faciant, mihi pręfat̄ I. atturnat̄, seu executoribus meis in &c. 20.l. &c. in forma subscripta, viz. ad festum &c. 20.s̄. ad festum &c. 20.s̄. & sic de festo in festum de anno in annum, vnum post alium continue sequentem ad quodlibet festorum predict̄ viginti solidos quousque predict̄ 20.l. plenarie persoluantur, extunc præsens charta indentata &c. Et si defect̄ fiat in aliqua solutione pred̄ viginti libr̄ in partę vel in toto, contra formam pred̄, extunc &c. *vt in charta prædict̄.*

Proviso semper, quod si pred̄ C. vel aliquis alius nomin̄ suo allega-

 uerit

nerit aliquã acquietãtia seu solutionem dictæ pecuniæ alibi fore factã quam &c. contra me prętat. I. quod extunc idem C. vult & concedit p̃ præsentes, quod hujusmodi acquietantia in solutione forinseca nullius sit valoris. In cuius &c.

A Mortgage.

Sect. 411. SCiant &c. qđ nos W. C. W. W. & M. C. dimisimus, tradidimus, & liberauimus H. M. I. A. & W. H. omnes illas terras & tenementa, reddit. &c. vocat. B. quæ nos prædict W. C. W. W. & T. C. nuper conmetim habuimus nobis, hęred & assign nostris in perpetuum, ad vsũ mei prædict W. C. hęred & assign meor ex dimissione, traditione liberatione & chartæ confirmatione I. H. Habend & tenend omnia prædict &c. sub forma & conditione sequent, viz. quod si prædict B. bene & fidliter soluat &c. quod tunc præsens charta nostra indentata, & seisina sua super eandem liberata & habita in omnibus eorum roboribus permaneat & virtutibus in perpetuum. Et si defectus fiat &c. Ac insuper noueritis nos prædict W. C. W. W. & T. C. fecisse, ordinasse, & loco nostro posuisse &c. *vnas literas attorn. ad deliber. ad' seisinam*, In cuius &c. Datum &c.

A Mortgage to save harmeless &c.

Sect. 412. SCiant &c. quod ego T. F. sen de N. Draper dedi & concessi & hęc præsenti carta mea indent confirmaui L. W. de N. yeoman, vnum tenementum &c. Habend &c. prædict L. W. hęred et assign suis ad solum opus & vsum mei dict T. F. hęred et assignat meor in perpetuum. Si & quamdiu ego dict T. F. hęred execut vel assign mei soluamus seu solui fac eidem L. W. execut vel assign suis xij. li. legalis monetę Angliæ &c. modo & form sequen, viz. ad festum omnium sanctor quod erit in anno Dom &c. iiij. li. & sic de inde annuat ad dict festum iiij. li. quousque dict xij. li. soluantur &c. Necnon soluamus & indempnes conseruemus seu saluari et indempnes conseruar fac prædict L. W. hæredes, execut & administrat suos versus quendam W. M. de C. executores & administrat suos ac alios quoscunque de & pro quodam script obligatorio in quo prędict L. W. ad instantiã mei pd T. F. simul cum me eodem T. tenetur & obligat præf W. M. in summa xl. lib. indorsat cum condition pro solut xx. li. legal. monetæ Angl, Alloquin si contingat q̃ ego dictus T. F. hęred, execut vel assign mei defecerimus in solutione prędict xij. li. vel alicuius inde parcellæ in forma prædict soluend, vel in soluando vel indemnes conseruand

prædict

prædict̃ I. W. & hęred̃, & executores suos in forma præd; tunc ad solum opus & vsum ipsius I. W. hęred̃ & assignatorũ suorũ imperpetuũ. In cuius &c.

A Mortgage vpon payment by the Mortgagor.

SCiant præsentes &c. quod ego I. W. *(vt supra 412.)* confirmaui S. W. omnia illa terr̃ & tenementa &c. Habend̃ &c. sub forma & conditione subsequenti, viz. Quod si ego predict̃ I. soluam, seu solui faciam, hęred̃ vel execut̃ mei soluant, aut solui faciant præfat̃ S. W. aut eius certo Attornato, hęred̃, vel executoribus suis, ad festũ &c. in &c. xx. li. &c. Quod tunc præsens charta indentata, ac feoffm̃ inde deliberat̃ cassatæ sint & van̄, nulliusque valoris, ac tunc bene licebit præfat̃ I. &c, *(vt in conuentionibus reintrationis.)* Et si defect̃ &c. *(vt supra 410.)* suum robur obtineant & effectum, Et tunc bene liceat prefato S. W. hęred̃ & assignatis suis ea habere & pacifice gaudere imperpetuum. In cuius rei testimonium vni parti huius chartę indentatæ penes me remañ, præfat̃ S. W. sigillum suum apposuit, Alteri vero parti hui⁹ chartæ indentatæ penes præfat̃ S. W. remañ, ego pręd̃ I. W. sigillum meum apposui. His testibus &c. Dat̃ &c. Sect. 413

An estate vpon condition to find Meate, &c.

OMnibus &c. W. P. &c. Noueritis me præfat̃ W. dedisse, concessisse, & hoc præsenti scripto meo indentato confirmasse T. N. omnia mea terr̃ &c. Habend̃ &c. T. hęredibus & assignatis suis imperpetuum &c. sub formæ & conditione sequenti, videlicet, Quod prædictus T. exhibeat, seu exhibere faciat mihi præfat̃ W. durante vita mea naturali victum sufficient̃, ac statui meo competentem, vt idem T. ad mensam suam habet, seu habere consuecit, ac quolibet die dominico vnum denarium pro meis expensis mihi reddat, necnon quolibet anno erga festum Natalis Dñi vnam togam de Russet, vnum par̃ caligar̃, duo paria calceorum, & duas Camisia statui meo competent̃, annuatim mihi inueniat. Et si contingat me decrepitum vel infirmum deuenire, tunc idem T. inueniet mihi vnum seruientem ad me debit̃ modo, prout decet custodiend̃, ac etiam quendam locum in alta Camera tenementi mei predict̃ competent̃, vbi melius potero peuenire tam in sanitate quã in egritudine, simul cum libero introitu & exitu Sect. 414

exiit omnibus temporibus futuris ad eandem, durante vita mea mihi reseruand. Et si pred W. in exhibitione mea pd, seu in aliquo premissorũ defecerit, aut ea facere noluerit, quouismod' in futurũ, quod extunc bene licebit mihi, hæred, & assignatis meis, in omnia pd terras &c. *(As in Reentries.)* In cuius &c.

A Mortgage for paiment by the Mortgage.

Sect. 415 SCiant &c. q ego E. M. &c. Dedi &c. præf. R. & E. vxor eius, totum illud messuag' meum &c. Habend &c. sub condition sequen, viz. Qd si pred R. B. & E. vxor eius, hered, seu execut soluant, vel vnus eorum soluat, seu solui faciat, mihi pf. E. M. aut meo certo attorn vel executor meis &c. modo & forma sequen, viz. ad festũ &c. Et sic deinde annuatim soluend ad quodlibet festũ &c. extunc pr & immediat sequen xx. l. &c. quousq summa &c. plenarie persoluat. Quod tunc præsens charta mea indentata, ac st at & seisin, de & in pmissis liberat, firme sint & stabiles, ad solũ opus & vsum pdictor R. & E. hered & assign suorũ imperpet. Et si contingat pred R. B. & E. vxor eius, hered, execut, vel assignatos suos defect fecerit in soluc &c. aut alicuius inde pcell in form pred soluend, q tunc psens charta mea indentat, ac status & seisina, de, & in præmiss. liberat, cassæ sint & vacuę, nullius q valoris, ac tunc bene licebit mihi præf. E. M. &c. *(as in Reentries.)* In cuius &c.

A Mortgage of Lands, &c.

Sect. 416. THis Indenture &c. Betweene, T. W. of the one partie in the &c. and W. F. &c. on the other partie, Witnesseth, that where the said T. W. by his deede bearing date the 11. day of this present moneth of Januar hath infeoffed W. F. of, and in the Manor of C. with all his right, members, and appurtenances in the said Countie &c. and of and in the aduowson, gift, free disposition, and right of patronage of the Rectorie and Parish Church of C. aforesaid. To haue and to hold, (as in the deede afore verbatim &c.) as by the same deed more plainely may appeare. And whereas the said W. F. the day of the date hereof hath contented and paied vnto the said T. W. the summe of &c. which summe of &c. the said T. knowledgeth &c. thereof &c. by these presents. It is now thereforе couenanted, condescended &c. that the said T. W. before the feast of Easter &c. by fine to bee leuied in the Queenes Highnesse Court of her Common pleas at W. &c. which said fine to bee leuied in forme aforesaid, shall be to thintent, in

in these presents expressed, that is to say: to the vse of the said W. F. and his assignes, vntill the 24. day of March &c. And if the said W. F. &c. doe well and truely content and pay, or cause to bee &c. vnto the said T. W. his executors, the summe of C. li. of good &c. in the said 24. of M. next ensuing &c. at &c. That then and from thencefoorth after such payment made, the said fine to be leuied in formes aforesaid, shall be to the onely vse of the said W. F. his heires and assignes for euer. And if default of such paiment be had and made of the same summe &c. or any parcell thereof at the time and place before limited for the payment of the same: then and from thencefoorth after such default of paimēt made, the said fine to be leuied in formes aforesaid, shall bee and inure for euer to the onely vse of the said T. W. his heires and assignes for euer. And further that he the said T. and his heires, and all and euery other person and persons and their heires clayming the premisses, by or from the said T. W. shall at euerie time and times during the space of two yeres next after the paiment made of the said summe of &c. in forme aforesaid when and as often as they or any of them shalbe thereunto reasonably required by the said W. F. &c. as in couenants of assurances. And the said T. W. further couenanteth &c. to and with the said W. F. &c. that if it shall happen A. L. late wife of J. L. to recouer by due order and course of the law against the said W. F. his heires or assignes the third part of the premisses for dower to her belonging after the death of the said J. S. That then hee the said T. W. his heires or assignes from the time of such recouerie had, and after notice thereof to him giuen by the said W. his heires or assignes, shall content and pay yearely to the said W. his heires or assignes during the naturall life of the said A. one C. li. of good &c. in the feasts of &c. And the said T. W. couenanteth &c. to and with the said W. &c. that if default of paymēt be had & made of the said summe of C. li. or any &c. at the time and place before limited for the payment of the same: That then and from thencefoorth all and euerie couenant &c. comprised in this present Indenture on the part of the said T. W. &c. to be obserued or performed, and all and euerie bond wherein the said T. standeth bound for the performance of the same, or any of them, shalbe vtterly voide and of none effect. And that then the said W. his heires or assignes, shall within one moneth next after such default of payment made as is aforesaid, deliuer or cause to be deliuered vnto the said T. his heires or assignes, not onely the counterpaine of this Indenture sealed by the said T. and all such bonds as the said T. shall stand bound in, to the said W. for performance of the couenaunts comprised in the same Indenture, and the same deed of

feoffement made by the said T. vnto the said W. F. but also all such deeds, &c. as the said W. F. &c. shall before that time haue receiued by the deliuerie of the said T. his heires or assignes. And that then, and from thencefoorth after such default of paiment made as is aforesaid, the said W. F. and his heires &c. as in couenants of assurance. In witnesse whereof, &c.

A sale vpon condition.

Sect. 417. THis Indenture &c. Betweene T. I. and A. his wife, and M. M. &c. Witnesseth, That the said T. and A. with their owne whole consent and agreement, for the summe of, &c. Hath giuen and granted &c. vnto the said M. and his heires for euer, all that messuage, &c. To haue and to hold the said messuage and other the premisses with their appurtenances to the said M. M. his heires and assignes, to the onely vse and behoofe of the same M. his heires and assignes for euer. And the said T. I. couenanteth &c. that he the same T. and A. his wife, shall on this side the feast of &c. (as in couenants to make Estates.) Neuertheles the said M. couenanteth &c. (as in couenants to pay Money) at the feast of &c. That then and from thencefoorth this present bargaine and sale of the said messuage and other the premisses shall be clearely frustrate, void and of none effect. And that then also the said M. his heires &c. within 8. daies next after the full paiment of the said rr. li. in forme aforesaid to be paied, shall assure &c. or cause to be assured &c. to the said T. and his heires, to the onely vse of the said T. and his heires for euer, all such estate &c. of and in the said messuage and other the premisses, which he the said M. before that time shall haue had or receiued of the said T. his &c. the same messuage and other the premisses then being clearly discharged of al troubles, charges and incumbrances, had, made, or done by the said M. his heires or assignes. And if it shall fortune the said T. his executors or assignes, to make default of payment of the said rr. li. in forme aforesaid to be paid, or any part thereof: Then the said T. couenanteth &c. by these presents, that the said bargaine and sale of the said messuage and other the premisses, shall stand and remaine in full strength and effect for euer. And then the said M. couenanteth &c. truly to content and pay, or cause to be contented or paied to the said T. his &c. r. li. residue of the said rrr. li. within one moneth next after default of payment to made of the said rr. li. or any part thereof, in forme aforesaid to be payed, for the full and cleere purchase of the said messuage and other the premisses. And it is further couenanted &c. that the said T. his heires or executors, shall not at any time hereafter

after bargaine, sell, alienate, or otherwise put away the said messuage or other the premisses, or any part thereof, to any person or persons but only to the said M. his heires and assignes: The same M. his heires and assignes, paying to the said L. his heires, executors, or assignes, for the purchase of the said messuage and other the premisses, as much mony at such daies, and in as briefe time as any other person or persons will giue and pay for the same, without fraud or collusion. In witnesse &c.

A Mortgage of lands.

THis Indenture &c. Witnesseth, that the said A.B. in consideration &c. hath bargained &c. vnto the said C.D. his heires for euer all that messuage &c. And also all and singular the rents, reuersions, and other yearely profits whatsoeuer, reserued by and vpon whatsoeuer leases, gifts, or graunts, had, made, or granted of the premisses, or any part thereof &c. And also the said A.B. for the consideration aforesaid hath bargained &c. vnto the said C.D. all his estate, right, title, interest, possession, reuersion, remainder, claim, and demand, to, of, and in the said messuage or tenement &c. And except one exception, obligation, or statute of the Staple, wherein the said A.B. standeth bound to one E.S. in the sum of &c. And also except one Recognisane wherein the said A.B. standeth bound to A.W. in the summe of &c. And that the said C.D. his heires &c. by force of these present Indentures of bargaine and sale, and of other conueyances of the premisses hereafter to be had and made, shall and may peaceably and quietly haue, hold, &c. the said messuage &c. and euerie parcell therof, to the only proper vse of the said C.D. Prouided alwaies, and neuertheless the said C.D. is contented and pleased, and for him &c. couenaunteth &c. (as in Couenants) that if the said A.B. his heires, executors, administrators, or assignes, doe well and truely content and pay &c. That then and from thencefoorth, as well all conueyances and assurances made by and from the said A.B. and R.P. and all Bonds, Obligations, Statutes, and Recognisances, wherein and whereby the said A.B. and R.P. are by any meanes bound to the said C.D. as also these presents, and all assurances hereafter to bee made and passed by vertue hereof, shall bee vtterly void, frustrate, and of none effect, to all intents and purposes in the law. And that then also the said C.D. his executors, administrators, or assignes, shall and will well and truely deliuer &c. (as in couenants to deliuer writings) all the said conueyances and assurances vncancelled, and all the said bonds, obligations, statuts, and recognisances,

Sect. 418

and alſo the one part of theſe preſents to be cancelled. And the ſaid I. S. couenanteth &c. that if default be made, of, or in the paiment of the ſaid ſumme of C. markes in part or in all, at the day and place aforeſaid contrarie to the forme aforeſaid appointed: That then as well the ſaid conueiances, bonds, obligations, eſtatutes and recogniſances, as alſo theſe preſent Indentures, and the bargaine and ſale aforе made of the ſaid meſuage and premiſſes ſhall ſtand, remain, and abide in full ſtrēgth & vertue, & ſhalbe good, effectuall, and auaileable in the law, to the ſaid C. D. his heires &c. In witneſſe whereof &c.

A Mortgage.

Sect. 419. THis Indenture &c. witneſſeth, that the ſaid I. C. for &c. to be well and truely payd by the ſaid Earle, his heires, executors, adminiſtrators, or aſſignes, to the ſaid I. C. his executors or aſſignes, in ſuch maner and forme as hereafter in theſe preſents ſhall bee expreſſed and mentioned, hath bargained and ſold, and by theſe preſents doth fully and clerely bargaine all the ſaid mano', &c. Prouided alwaies, and the ſaid E. for himſelfe &c. doth couenant &c. that if hee the ſaid E. his &c. doe not well and truely content and pay, or cauſe to bee well &c. to the ſaid I. C. his &c. the ſumme of &c. Or if the ſaid E. doe fell, or cut downe any wood, pull downe any, or let downe any buildings, or do any maner of wilfull waſt, in, or vpon the premiſſes or any part thereof at any time before the full end and expiration of ſeuen whole yeares next comming after the date hereof, or if the ſaid I. C. his &c. well and truely content and pay, or cauſe to be well and truely contented and paied to the ſaid E. his heires or aſſignes, the ſumme of &c. at any time within the ſpace of the ſaid ſeuen whole yeares next enſuing and following the date of theſe preſents, That then and from thenceforth &c. as in clauſes of reentries. And alſo that after any want, default, or lacke of paiment of any of the ſaid paiments of any of the ſaid ſums of mony to be paied by the ſaid E. his heires, executors, &c. to the ſaid I. C. his executors, adminiſtrators or aſſignes, in maner and forme aboue mentioned and expreſſed, or any maner of wilfull waſt to bee done or ſuffered to bee done by the ſaid E. his heires, executors, adminiſtrators, or aſſignes, in and vpon the premiſſes, or of any part thereof, or of the true paiment of &c. to bee paied by the ſaid I. C. his heires, adminiſtrators or aſſignes, to the ſaid E. his heires, adminiſtrators, or aſſignes, in maner and forme aboue mentioned and expreſſed: this preſent bargaine and ſale and all and euerie acte, deede, and thing hereafter by any meanes to be had, made, done, or ſuffered at any time before the end

and

and the expiration of seuen yeares next comming after the date hereof, for or concerning the said manor, shall bee void &c. And that then also the said Earle, his heires and assignes, and euery other person and persons shall stand and be possessed and seised, of, and in the said manor of W. and all other the premisses in these presents bargained and sold, to, and for the only vse and behoofe of the said I.C. his heirs and assigns for euer, and to, and for none other vse or vses, this present bargaine and sale, or any act, deed, or thing hereafter to be done, made or suffered at any time before the full end and determination of the said 7. yeares next insuing after the date of these presents, to the contrarie thereof in any wise notwithstanding. And also if the said E. his heires, executors, administrators, or assignes, shall not, or do not well and truely pay, or cause to bee well and truely contented and paied to the said I.C. his heires, executors, administrators, or assignes, the said summe of &c. of lawfull money of England, in manner and forme aboue mentioned and expressed, or dos, or shall commit any maner of wast, in or vpon the premisses, before the full end and terme of vij. yeres next following the date hereof. Or if the said I.C. his heires &c. shall, or doe well and truely content and pay or cause to bee well and truely contented and paied to the said E. his heires, executors, administrators, or assignes, the said summe of &c. of lawfull &c. in manner and forme aboue mentioned and expressed: That then the said E. his heires, executors, and assignes, shall do, suffer and acknowledge, all and euerie such reasonable act &c. And also it is couenaunted and agreed betwixt the said parties, that he the said I.C. his heires or assignes, shall and may haue, hold, and quietly inioy and possesse all the said Manor of W. with the appurtenances, and all other the premisses heretofore in these presents bargained and sold vnto the said I.C. his heires and assignes, from the date of these presents vntill &c. next following the date hereof, without any let, veration, trouble, sute or demand, had, made, or to be had, or made by the said E. his heires or assignes, by vertue and colour of this present bargaine and sale. In witnesse &c.

Fee Farme.

A Feoffement in Fee Farme.

SCiant &c. quod nos I.T. W.T. & I.M. dedimus, concessim⁹, & hac præsenti charta nra indentata ad feodi firmam dimisimus N. H. de W. vnum gardinum cum pertinen vocat M. iacen in N. in com E. viz. Sect. 420

viz.&c. quod quidē gardinum simul cum alijs terris & tenementis nu-per habuimus ex dono & feoffamento R.T. armigeri. Habend & te-nendum totum prædict gardinū cum suis pertinentijs prefat N. hæred & assignat suis imperpet, de capitalib dominis feod illi, p seruitia in-de debit, & de iure consueta. Reddendo inde annuatim nobis, hæred, & assignat nostris nomine feodi firmæ &c. æquis portionibus, & faci-endo inde sectam ad curiam manēr nostri de M. in S. bis in anno, viz. ad proximam curiā ibidem tenend post festū &c. & ad proximam curiam ibm tenend post festum &c. pro omnibus alijs seruitijs, consuetud, & demand. Et si prædict firma a retro fuerit in part vel in toto per quin-decim dies post aliquem termin solutionis quo vt pfertur solui debeat, Aut si pdict secta nobis heredibus & assign nostris ad aliquam cur in manerio nostro pred bis in anno tenend, vt prædictum est, substracta fuerit, tunc vult & concedit pfat N. pro se, hæred, & assign suis per p-sentes, quod bene liceat nobis præf. I.W. & I.G. & heredibus & assign nostris in &c. & penes se retinere, quousq de pred firma si a retro exi-sten, & eius arreragijs si quæ fuerint, necnon de substract secta præ-dict nobis, hæred, & assignatis nris plenarie fuerit satisfactū. Et si pre-dict firma a retro fuerit in parte vel in toto p duos annos post aliquem terminum solutionis eiusdem, aut si pred secta nobis, hered, aut assign nostris ad aliquam curiam in manerio nostro pred bis in anno tenend, vt predict est, per duos annos subtracta fuerit, tunc vult & concedit p-fat N. pro se, hær, & assign suis per presen, p bene liceat nobis &c. As in Reentries.

Sales.

A Sale of lands, reserving rent.

Sect. 421. THis deed Indented &c. Witnesseth, that I W.W. haue giuen &c. and by this my present deed doe giue &c. to R. W. and M. his wife, of R. one mesuage &c. To haue and to hold all and sin-gular the said mesuage &c. to the said R. and M. and to the heires &c. And for default of such issue of their two bodies betweene them lawfully begotten, the remainder of all the said mesuage &c. after the death of the said R. and M. to the heirs of the bodie of the said M. law-fully begotten, and to be begotten: and for default of such issue of the bodie of the saide M. lawfully begotten, the remainder of all the said mesuage &c. after the decease of the said M. to the right heires of the said R. M. forever. Yeelding and paying therefore yearely during all

and euery the ſaid ſeuerall eſtates vnto me the ſaid W. W. my heires and aſſignes for euer. li. of lawfull Engliſh money, at the feaſt of S Andrew the Apoſt. and S. I. Bap. by euen portions, in the now dwelling houſe of of &c. And if it ſhall happen &c. with a clauſe of reentrie if the rent bee behind. Prouided alwaies, and vpon condition following: That is to ſay, that if the ſaid R. and M. or either of them, or the heires of their two bodies betweene them lawfully begotten, or anie of them, do well and truely pay, or cauſe to be paied to me the ſaid W. W. or my certaine Atturney, mine heires, executors, adminiſtrators, or any of them, the iuſt ſumme of one C. li. of &c. at one whole and intire paiment for the ſaid annuall rent, meſuage &c. in any feaſt of the ſayde feaſts &c. hereafter following, during the ſpace of fiue whole yeares next enſuing the date hereof together with. li. of the ſaid rent in the ſame feaſt of S. And. the Apoſtle, or S. I. Bap. to be due by theſe preſents, in the ſaid now dwelling houſe of the ſaid W. W. in R. aforeſaid, paying firſt the ſaid annuall rent of. li. by vere of euerie of the ſaid feaſts and termes of paiment, in the which, as is aforeſaid, it ought to be paid each and euery yeare, in manner and forme aboue in this preſent Charter limited and expreſſed, according to the force, effect, and true intent of this preſent charter. And alſo giuing to the ſaid W. W. his &c. notice and warning of the paiment of the ſaid ſumme of &c. in forme aboueſaid, to be paid. weekes at the leaſt before the paiment thereof: That then immediately after the paiment of the ſaid ſumme of &c. in manner and forme aforeſaid to be paied, the ſaid yearely rent of &c. and euerie part thereof to ceaſe, be determined, made void, extinguiſhed, and vtterly adnihilated for euer by theſe preſents, or els the ſame to ſtand, remaine, and be in his full ſtrength, power, and vertue. In witneſſe &c.

A Couenant not to ſell, but to the Vendee.

AND the ſaid I. K. doth couenant &c. That neither he the ſaid I. K. Sect. 422
nor his heires, nor any of them at any time or times hereafter ſhal or will giue, grant, bargaine, morgage, ſell, alien, ſet ouer, alter, diſcontinue, or depart with any part of any the meſuages, landes, tenements, and hereditaments, aboue hereby mentioned to be bargained, and ſold, or wherby he the ſaid I. now ſtandeth and is ſeiſed to any perſon or perſons, other than only to the ſaid N. T. or his heires, if the ſaid N. or his &c. will giue ſuch price and prices for the ſame, as ſhall bee ſet downe, made and appointed by T. W. I. G. and N. S. or ſo many of them as ſhall happen to be liuing, at the time of ſuch ſale and alienation to bee made without the ſpeciall licence of the ſaid N. S. or his &c. firſt had and obtained in writing.

Gifts.

A generall Gift of goods.

Sect. 423 OMnibus &c. Sciatis me præf. F. &c. dediſſe &c. W. W. &c. omnia bona & catalla mea, mobilia & immobilia, viua & mortua cuiuſcunq; generis ſeu ſpeciei, in quorũcunq; manibus, ſeu in quibuſcunq; locis exiſtunt: Necnon totũ ius meum, titulũ, ac ius terminor annor quorumcunq. Habend *vt infra* 425. b. pſ. W. W. & aſſignã ſuis imperpet. In cuius rei &c.

A Gift of goods and chattels, with couenants to find the donor neceſſaries, and performe his will.

Sect. 424. THis Indenture made &c. Betweene R. E. &c. on the one partie, and T. S. of &c. on the other partie, Witneſſeth, that the ſayd R. E. for the conſiderations hereafter in theſe preſents expreſſed, and for the iuſt and true performances of ſuch premiſſes, as on the part and behalfe of the ſaid T. his executors and aſſignes are made to be kept to the ſaid R. hath giuen and granted &c. to the ſaid T. S. all his leaſes, farmes, and termes of yeares, cattels, implements, houſholdſtuffe, beaſtes and cattell, and all other his other goods, as well reall as perſonall, moueable as vnmoueable whatſoeuer, the golde, ſiluer, and coine, which the ſaid R. now hath, or is owner of, And one meſuage &c. onely excepted. To haue and to holde the ſaid leaſes, farmes, and termes of yeares, and all and ſingular the ſaide goods and chattels, and other the premiſſes (except before excepted) to the ſaid T. S. his executors and aſſignes, to his and their owne proper vſe and vſes. And the ſaid R. doth further authorize and appoint the ſaid T. S. to aſke and demaund all ſuch debts and ſummes of money as bee owing by any perſon or perſons to the ſaid R. And further, to ſue and impleade any of the ſaid perſons or debtors in the name of the ſaid R. as ſhall refuſe or delay the payment of the ſaid debts or ſummes of money, at his will and pleaſure. And after that the ſaid T. ſhall receiue, obtaine, get, and recouer the ſaid ſummes or debts, Then the ſaid R. doth further giue power and authoritie to the ſaid T. to take and kæpe the ſame to his owne vſe and commoditie, without making any accompt thereof to the ſaid R. or to his executors or &c. And the ſaid R. doth further promiſſe to the ſaid T. not to releaſe or diſcharge any of the ſaid debts or ſummes of money ſo owing to him, without

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the assent and good will of the said T. first had and obtained, In consideration whereof the said T.G. for him, his &c. doth covenant &c. That the said T. and his executors, shall and will find and provide to the said R. during his naturall life, convenient and sufficient meat, drinke, and apparrell. And also one comely and decent Parlor or Chamber for the said R. to lie in severally, with fire and candle necessarie, during his naturall life, and one person to attend upon him during the time aforesaid. And moreover, that it shall and may be lawfull for the said R. to make and declare his last Will and Testament of goods to the value of xl.li. And that the said T. shall and will pay and performe, in such convenient time, as by the said last Will shalbe appointed, all such legacies and bequests, as the said R. shall give and bequeath, so that the same do not amount above the summe of xl.li. And finally the said T. doth promise and grant for him, his &c. to content and pay yerely to the said R. E. during his naturall life, the yearely rent or summe of &c. at two feasts in the yeare: that is to say, at the feasts of S. Michael tharchangell, and the Annuntiation of our Ladie, by even portions. In witnesse &c.

A gift or grant of goods.

THis Indenture &c. Betweene T.W. of the countie of Y. Esquire, on the one party, and I.W. T.W. the yonger, and E.W. sonnes of the said T.W. the elder, and E.W. A.W. and M.W. daughters of the said T.W. the elder on the other partie, Witnesseth, that the sayd T.W. the elder, as well in consideration of the naturall love and affection which hee beareth towardes his children, and of the fatherly care which he hath of their preferment and advancement, as for divers other good causes him hereunto especially moving, hath given, graunted, and confirmed, and by these presents doth give, grant, and confirme vnto the said I.T.W. the younger, Ed.W. Eliz.W. and M.W. their executors, administrators, and assignes, all his goods and cattels whatsoever. Neuertheless, it is fully concluded, condiscended, and agreed, by and between all the said parties to these presents, in maner and forme following, that is to say, That it shall and may be lawfull to and for the said T.W. the elder, at all and every time and times hereafter, during his naturall life, if he remaine so long unmarried, peaceably and quietly to have the vse, occupation, increase, and profits of all the sayd goods and chattels, without any lawfull let, suit, trouble, expulsion, or incumbrance of them the said I.T.W. the younger, Ed. Eliz. A. and M. their executors or administrators, or any of them, or any other Sect. 425.

person

person and persons whatsoeuer, claiming by, from, or vnder them, or any of them: These presents, or any thing therein contained to the contrary thereof in any wise notwithstanding. In witnesse &c,

A gift of Goods, vpon condition to find necessaries &c.

Sect. 426 OMnibus &c. T.I. salutem &c. Sciatis me præf. T. pro certis bonisq; considerationibus me specialiter mouent, dedisse, concessisse, & hoc p̄senti scripto meo confirmasse A.G. de ciuitate N. omnia bona &c. *(vt supra 422. verbatim)* Habend & tenend omnia præd bona & catall mea, vbicunq; inuent fuerint, ac cætera præmissa pref. A.G. & assignatis suis imperpetuum: Ita viz. quod nec ego præd T.I. nec executor vel administrat mei, nec aliquis alius nomine meo, seu nomine eorum, aliquid iur, proprietat, vel clamei, de, aut in præd bonis & catallis, ac cæteris præmissis, nec in aliqua inde p̄cella de cætero exigere, clamare, vel vendicare poterimus nec debemus quouismod futur, sed ab omni actione iuris, clamei, & demand inde in futur, habend seu vendic penitus sumus excluſi imperpet p̄ præsentes, sub conditione sequent, viz. Si præd A.G. execut vel assignati sui inuenient, seu inueniri facient tam mihi præd T.I. quã cuidam M.P. viduæ matri mei præd T.I. sufficient & competent victual & vestit, hospiciũ & cubiliam, ac omnia & singula alia nobis & nostrũ cuilibet necessaria, tam in egritudine quam infanitate, durant vita natural tam mei dicti T.I. quam dict M.P. & nostrorũ vtriusq; diutius viuent, necnon soluat seu solui faciat omnia hmodi debita mea, nominat & specificat in quadam scædula huic præsenti scripto meo annex: Quod tunc p̄sens donatio bonorum & catallorum præd firma sit & stabilis, ad proprium vsum præd A.G. & assignatorũ suorũ imperpetuũ, alioquin frustra sit, ac pro nullo habeatur. In cuius &c.

Pawnes and Gages.

A gage of Plate and Goods &c.

Sect. 427. THis Indenture made &c. Witnesseth, that the said N. for the summe of &c. hath bargained, sold, giuen, and graunted, and in open Market of the Citie of N. hath deliuered, and by these presents doth fully and clerely bargaine, sell, giue, and graunt vnto the said T.M. his executors &c. all these parcels of Plate, and other implements hereunder

vnder specified, viz. One boule of siluer all white, one dozen of siluer spoones with knops, one litle salt of siluer all white, containing all together twentie nine ounces, one yellow cheste bound with seauen broad barres of Iron, and all and singuler such peeces and parcels of woollen and linnen cloth, and Pewter, as bin remaining and closed within the said cheste, together with one courtlet of Tapestrie worke, one blanket of litle woolle, and two fetherbeds, and two boulsters, stuffed with fethers. To haue and to hold the said siluer boule, siluer salt, and the said dozen of siluer spoones, together with all and singuler the said implements and stuffe, and all the premisses, and euerie part and parcell of the same, to the said T. M. his executors, administrators, and assignes for euer. And the said R. C. for him, his executors &c. doth couenant and graunt by these presents, to and with the said T. M. his executors &c. that he the said R. at the time of the date hereof, was true, sole, and proper owner of the said parcels of Plate, and all and singuler other the premisses, and euery part and parcell of the same, and then had full power, and good, iust, lawfull, and perfect right, title, and interest, to bargaine, sell, giue graunt, and deliuer, all and singuler the premisses, and euery part and parcell thereof, in forme aforesaid. Prouided alwaies and it is agreed betweene the said parties &c. that if the said R. C. his executors, administrators or assignes, shall well and truely content and pay, or cause to be paied to the said T. M. his certaine Attorney or executors, the summe of &c. in the feast day of &c. That then this present bargaine, sale, gift, and graunt of all the premisses, and euery parcell thereof, to be vtterly frustrate, void, and of none effect. And that then also the said parcels of Plate, and all other the premisses shall bee by the said T. his executors &c. redelinered to the said R. his executors, administrators, &c. at the mansion house of the said T. within the City of N. aforesaid: any thing before recited to the contrarie in any wise notwithstanding. In witnesse &c.

A Bill of sale.

BE it knowne vnto all men by these presents, That I I. M. of L. gentleman, in consideration of the summe of fiue pounds of lawfull money of England, to me in hand, at and before the sealing and deliuerie hereof, by I. C. of L. Draper, well and truely payed, whereof and wherewith I doe acknowledge my selfe fully satisfied and contented, haue bargained and solde, and in plaine and open Market within the Citie of London, hath deliuered vnto the said I. C. one

Sect. 428

gowne

gowne of black russet coloured cloth, furred throughout, and laied on with a billiment lace, and one cloake of satten garded with two gards of velvet round about. To haue and to hold the said gowne and cloake before sold, and euery part thereof vnto the said I.C. his executors and assignes, freely, peaceably, and quietly, as his and their owne proper goods for euer, without any let or deniall of me the said I.M. mine executors and assignes, or any of vs, and with warranties against all people for euer by these presents. Prouided alwaies, that if I the said I.M. mine executors or assignes, or any of vs, do well and truely pay, or cause to be paid vnto the said I.C. his &c. that then the sale aforesaid to be void and of none effect, or else to stand and abide in full strength and vertue. Sealed with my seale &c. Giuen the 15. day of Feb. &c.

A Gage of a Chaine of Gold.

Sect. 429 HEc Indentura fact &c. inter R.W. & B.M. &c. testatur q; pred R. vendidit B. quond Chatenam auream cum vna cruce aurea sculpt, cum vno crucifixo ponder in toto quinque vnc' appreciat, ad C.l. &c. Pred tamen B. vult & concedit p se & executoribus suis per presentes q; si pd R. soluat, seu solui faciat pfat B. aut suo certo attorn, seu executoribus suis septimo die mensis Iulij proximo futur post datum presentium x.l. &c. quod tunc pred B. deliberabit seu deliberari faciet pf. R. aut suo certo attornato pred cathenam cum cruce pred, absq; impetitione vel contradictione aliqua. In cuius &c.

Leases.

A Lease for yeares, of a messuage by a Corporation.

Sect. 430. THis Indenture made the 11th. day of A. in the 11th. yere of &c. Betweene W.P. citizen and goldsmith of L. master of the guild or fraternitie of &c. and R.C. citizen and merchant tailors of L. Wardens of the said guild or fraternitie on the one partie, and R.S. of L. Esq. on the other partie, Witnesseth, that the said Master and Wardens, for them and their successors, with the assent will and consent of all the brethren and sisters of the said fraternitie or guild, haue granted, demised, and to farme letten to the said R.S. by these presents, all that their messuage or tenement and garden

adioyning with sellers, sollers, and all other appurtenances thereunto belonging, called A. B. set and being in Fleetstreet in the said parish of S. M. that is to wit, betweene the tenement pertaining to the deane and Canons of the Kings Chappell of S. within the palace in W. now in the holding of J. C. on the East part, and a tenement pertayning to the said fraternitie now in the tenure of L. V. on the West part, and the gardens pertaining to the mistery or craft of Goldsmithes of London on the North part, and the tenements pertaining to the said fraternitie, wherein J. D. warchandler, and J. F. gent. now dwell on the South part. To haue and to hold the said messuage, or tenement and other the premisses aboue letten with the appurtenances to the said R. S. his executors or assignes, from the feast of the Annunciation of our blessed L. the virgine last past before the date hereof, vnto the end and terme of xxx. yeares then next ensuing, and fully to bee complete. Yeelding and paying therefore yearely during the sayd terme to the said Master and Wardens, and to their successors or assignes iiij. li. of good and lawfull money of England, at foure times of the yeare, that is to say, at the feast of the Natinitie of S. John Bap. S. Mich. tharchangell, the Natinitie of our Lord God, and thannunciation of our Ladie the Virgin by euen portions. And if it happen the said yearely rent of foure pounds to be behind and vnpaid in part or in all by the space of one moneth next after any of the said feasts of payment, at the which it ought to be paid: That then it shall be lawfull to the said Master and Wardens and their successors, into the said messuage or tenements and other the premisses aboue letten with thappurtenances, and euery parcell thereof to enter and distraine, and the distresses so there take, lawfully to beare, lead, driue, and carrie away, and the same to withhold and keepe vnnil they of the said yerely rent, and euerie parcell thereof with tharrerages of the same (if any bee) vnto them be fully contented, satisfied and payd. And the said R. S. for him, his executors and assignes couenanteth and granteth to and with the sayd Master and Wardens and their successors by these presents, that hee the said R. S. his executors and assignes, at his and their proper costes and charges, the said messuage or tenement, and other the premisses aboue letten with the appurtenances, with the pauements and wy, draughts of the same, in and by all things well and sufficiently shall repaire, sustaine, maintaine, scoure, and cleanse as often as need shall require during the said terme, and the same so repaired, scoured and clensed, with all glasse windowes, yron doores, lockes and keys (as it is thereof and therewith now fully furnished and garnished) at the

end of the same terme shall yeeld vp and leaue. And that it shall bee lawfull to the said Master and Wardens and their successors, at all times during the said terme at their liberty and pleasure, to come and to enter into the said mesuage or tenement, and other the premisses aboue letten with the appurtenances, and euery parcell thereof, there to view and search what reparation shall be needfull to be made and done: and vpō such view and search had, the said R. S. for him, his executors and assigns couenanteth and granteth to and with the said Master and Wardens and their successors by these presents, that the same R. his executors and assignes at his and their proper costs and charges, shall during the said terme within one quarter of a yeare next after monition and knowledge to him or them giuen by the said Master and Wardens, or their successors; well and sufficiently from time to time repaire and amend, all such defaults and lacke of reparations, as there shall happen to be found. And that the same R. his executors and assignes during the said terme, shall peaceably and quietly permit and suffer the said T. W. and all other tenants of the said fraternity dwelling there about, to haue, vse and inioy all such lights, penthouses, and other easements as now be and appertaine to their seuerall tenements or mansions, without any stopping, darkening, empayring, breaking, hurting and deminishing, and without let, interruption, or disturbance of the same R. his executors or assignes, or of any other person or persons by his or their commaundement, meanes or procurement. And that it shall not bee lawfull to the said R. his executors nor assignes, to bargaine, graunt, alien, let or set his lease interest or terme of and in the said mesuage and other the premisses aboue letten, or any parcell thereof, to any person or persons during the sayd terme, but onely at will from yeare to yeare, without the consent and agreement of the said Master and wardens or their successors, first had and obtained in writing vnder the common seale of the said fraternitie. And the said Master and Wardens for them and their successors, couenaunt and graunt to and with the said R. S. his executors &c. by these presents, that the same Master and Wardēs and their successors at their proper costs and charges shal beare and pay all maner of quitte rents, and other rents and duties if any such be due or to be due, and going out of, and for the said mesuage or tenements and other the premisses aboue letten during the said terme, and therof shall acquitte, discharge or saue harmeles the said R. S. his &c. In witnesse whereof to the one part of this Indenture remayning with the said Master and Wardens and their successors, the said R. S. hath put his seale: and to

the

the other part of the ſame Indenture remaining with the ſame M. the ſaid Maſter and Wardens haue put their common Seale of the ſayd fraternitie. Giuen the day and yeare aboue written.

A Leaſe for yeares of a Houſe.

THis Indenture &c. Betweene T.D. and A. his wife on the one party, and N.S. on the other party, Witneſseth, that the ſame T. and A. the day of the making hereof haue demiſed, betaken &c. to the ſaid N. all their meſuage or tenement, with all ſhops, ſellars &c. to the ſame belonging, ſet, lying, or being in &c. which was lately in the tenure and occupation of J.C. To haue and to hold the foreſaid meſuage, (vt ſupra.) Yeelding and paying therefore yearely during the ſaid terme of T. and A. his wife, or to either of them, their heires or aſſignes 3. li. of &c. And if it ſhall happen the ſaid yearely rent of &c. (As in Diſtreſſes.) In witneſſe &c. Sect. 431

A Leaſe for yeares with exceptions.

THis Indenture &c. Betweene T.J. &c. Witneſſeth, that the ſayd T.J. for &c. hath demiſed &c. all thoſe his meſſuages, landes, &c. except, and alwaies reſerued to the ſaid T.J. one cloſe &c. And alſo all maner of wood and tymber now growing, or hereafter to grow, in and vpon the ſaid premiſſes, or any part thereof, together with free egreſſe and regreſſe, to and for the ſaid T.J. his executors, aſſignes, ſeruants, and workemen, to and from the ſaid premiſſes, as well with horſes and cartes, as otherwiſe, aſwell for the felling, making, and carrying away of wood and tymber, as alſo for the repairing and amending of the edifices belonging to the premiſſes. To haue and to hold ſo much of the ſaid lands and tenements, and other the premiſſes as be freehold, (except before excepted) to the ſaid J.P. his executors and aſſignes, from the feaſt of &c. for and during the terme of xxj. yeares, from thence next inſuing, and fully to bee compleate and ended. And to haue and to hold as much of the ſaid premiſſes, as bee copyhold, or cuſtomarie tenure, to the ſaid J.P. his &c. from yeare to yeare, as the ſame copihold may bee letten without forfeiture, and not otherwiſe. Yeelding and paying for all and ſingular the premiſſes (except before excepted) being freehold &c. and for all the reſidue of the ſame premiſſes being copyhold &c. And the ſaid J.P. couenaunteth &c. that the ſaid J. his &c. ſhall yerely and euerie yere during all the ſaid term, find, or cauſe to be found one ſufficient Thatcher and his ſeruiter, with ſufficient meat, drink, and wages thrée daies in the yeare at conuenient times, for the repairing Sect. 432

and amending of the edifices and buildings of the said premisses, ỳ said T. I. finding straw and all other things necessarie for the same 3. daies worke, and euery of them from time to time during all the said terme. And further, that hee the sayd I. P. his executors or assignes at the end of the said terme of 21. yeares, shall leaue all the fences, hedges and gates belonging to the premisses, well and sufficiently made and repaired, the same I. his executors or assignes taking in and vpon the premisses, sufficient thornes and other conuenient fensing stuffe, aswell for the making and repairing of the said fences, hedges and gates from time to time during all the said terme, As also for the leauing of the fences, hedges, and gates, well and sufficiently made and repaired, as is aforesaid, at the end of his term, by the assignment and appointment of the said T. I. his executors or assignes. Prouided alwaies, that it shall be lawfull to the said I. P. his executors or assignes, from time to time during all the said terme, to take in and vpon the premisses without any assignement, as is aforesaid, thornes, and other fensing stuffe for the stopping of gappes and repairing of the said fences and hedges, so that the same fensing and stopping dos not extende aboue a roode at one time: any thing heretofore in these presents mentioned to the contrarie in any wise notwithstanding &c. And the said I. couenaunteth &c. that it shall bee lawfull to and for the said T. I. his executors, assignes, seruants, and workefolkes, to enter, come, and goe into, and from the grounds belonging to the said premisses for the selling, making, and carrying away of all such wood and timber, as the said T. I. his executors, assignes, and seruants, shall from time to time fell and make, during all the sayd terme, without let or interruption of the said I. P. his executors, or assignes. And that hee the same I. his executors or assignes, shall not at any time during the said terme, harry, or breake vp any part or parcell of the close lying at C. bridge, parcell of the demised premisses, without the consent and agreement of the said T. I. his executors or assignes. And that the mucke or dunge that shall bee made by his horses or neat in the time of their standing in, shall bee bestowed yearely, in and vpon the arable land belonging to the premisses. And furthermore, that hee the said I. his executors and assignes, shall and may eyze and sow any of the said arable land belonging to the said premisses (except before excepted 2. yeres together during the said term, and not aboue, and after that let the same land lie one yeare fallow. And the said I. P. couenanteth &c. that hee the same I. P. his executors and assigns, shall well and sufficiently pasture and feed within the premisses, to and for the said

T. I.

T. I. his executors or assignes one gelding and one milch cow yearely, and euery yere during the said terme. And also shall freely giue and deliuer to the said T. I. his executors or assignes, two good and able swine hogs, well and able fatted at the costes and charges of the said I. P. his executors or assigns. And also one boare good and able in like case fatted, and ready dressed at the feast of the Nativity &c. yerely and euery yeare during all the said terme of &c. And also shall yerely &c. well and able fat in and vpon the premisses, to and for the vse of the said T. I. his executors or assigns, one bullocke being of the age of 3. yeres to be killed, and yerely deliuer the same to the said T. I. his &c. within the site of the premisses at the feast of &c. during all the said terme. In witnesse &c.

A Lease for yeares, reserving Barley.

THis Indenture &c. Betweene R. T. of &c. and W. A. of &c. Witnesseth, that the sayd R. hath demised &c. vnto the said W. A. ten acres of land &c. To haue and to hold &c. Yeelding and deliuering therefore vnto the said R. T. his executors and assignes at the late mansion house of the said R. P. &c. betweene the feast of all Saints, which shall be in the yeare of our Lord God 1599. and the feast of the Purification of our Lady then next &c. rr. quarters of Barley of good measure, and good stuffe and merchantable, well clensed and by a lawfull bushell to be measured, for the first yeares farme or rent of the same terme: And betweene the feasts of all Saints and the Purification of our Lady then next and immediatly ensuing rr. quarters of barley of like corne and like measure at the place aforesaid, for the second and last yeares farme of the same terme. And if it happen the said yearely rent &c. As in distresses. And the said W. A. couenanteth &c. to permit and suffer the said R. his &c. farmers of the fouldcourse of E. to haue such shacke vpon the demised premisses with their shéepe at seasonable and conuenient times to be accounted from Mich. till the Annunciation of our Lady yearely, as heretofore they haue lawfully vsed within the sayd towne. And the said R. T. for him &c. couenaunteth &c. that he the said R. his executors &c. shall from time to time during the said terme acquite, discharge or saue harmeless the said W. his executors &c. and also the demised premisses of all manner of outrents, taskes, subsidies, tithes, tenths, farmes and charges, that shall be insuing, going out, or payable out, of, or for the said demised premisses, or any part thereof, except the yearely rent aboue reserued. And further the said R. couenaunteth &c. that it shall and may bee lawfull vnto the same W. his executors &c. by vertue hereof, to haue, hold, occupie, and enioy the said demi-

Sect. 433

demiſed premiſſes, for the yerely rent or farme aboue reſerued peaceably and quietly without any lawfull let, &c. during the ſaid term &c. And that the ſaid W. A. will ſufficiently make or cauſe to be made a true and perfect terrar or boundarie of euery ſeuerall parcell of &c. how the ſame do lie ſeuerally, butt, and bound, and deliuer the ſame to the ſaid R. T. or his heires in the now dwelling houſe &c. before the feaſt &c. next inſuing. In witneſſe &c.

A Couenant that rent ſhall ceaſe vpon Euiction.

Sect. 434. AND the ſaid I. B. for him &c. that if it happen any of the premiſſes by reaſon of any former leaſe, intereſt, or other title, to be withholden or kept, from the occupation, poſſeſſion or hauing of W. E. his executors or aſſignes, that then the rent of the ſame reſerued to be paid ſhall ceaſe to be paied, during all ſuch time as the ſame ſhall bee ſo kept from the ſaid W. his heirs, executors and aſſigns, and that the ſame W. his &c. ſhall quietly haue, occupy and inioy the ſame premiſſes ſo kept from him, his executors &c. after ſuch time as the former leaſes and intereſts ſhalbe determined, expired and ended, for and vntill the full end and terme of the full reſt and reſidue of the ſaid xl. yeres then behind and not by him occupied, and for and by thonly rent afore reſerued for the ſame &c.

A Leaſe for yeares of a meſuage and lands.

Sect. 435. THis Indenture &c. Betweene Sir I. B. of &c. and G. P. &c. Witneſſeth, that the ſaid I. B. &c. hath demiſed &c. vnto the ſaid G. P. all that meſuage or tenement called C. and one croft called R. and xxx. acres of land thereunto belonging &c. To haue, hold &c. from the day of the date of theſe preſents, vnto the end and terme of and for during all the terme of one and twentie yeares then next and immediatly enſuing fully to bee compleate and ended diſpunishable and without impeachment, of, or for any manner of ſtrepe, ſpoile, deſtruction, or waſt of woodes whatſoeuer. Yeelding and paying therefore &c. And yeelding and doing ſuite at the Court of the ſaid I. B. his heires and aſſignes, to bee holden at the Manour of A. in the Countie of H. twice euerie yeare during the ſaid terme vpon reaſonable ſommons, and in default of euery ſuch ſuite to bee hereafter made, ſhall yeeld and pay to the ſayd I. B. his heires and aſſignes for the firſt default foure pence, the ſecond default fiue pence, the third time xij. pence, and ſo for euerie ſuch default to bee made after the foreſaid third default to bee made during the ſaid terme two ſhillings. And alſo yeelding and paying vnto the ſaid I. B. his heires and aſſignes

at

at the feast of the Natiuitie of our Lord God, which shall be in euery iij. yeare of the said terme of one and twentie yeares twenty shillings, for and in respect of a fine and herriot, and for and in discharge of all other duties, seruices, fins, herriots and demands other then such as bin before in this present Indenture reserued. And if it happen ỳ said yerely rent of &c. or the summe of xx.s. reserued for and in respect of a fine and herriot, as is aforesaid, or the said money for sute of Court, or any part or parcell thereof to be behind vnpaid after any of the said feasts before by these presents limitted and mentioned in which the same, ought to be payd, being lawfully demanded at the now mansion hause of the premisses: that then &c. As in distresses, I.B. his heires, executors, administrators or assignes, into the premisses and demised tenements to enter and distraine, and them to detaine and keepe, vntill they shalbe satisfied and paied of the said rents, fines and sums aforesaid so happening to be behind and vnpaid, together with the arrerages therof if any such shall happen to be. And the said I.B. &c. couenanteth &c. that he the said I.B. at the ensealing and deliuerie hereof standeth, and is sole, only and rightly seised of the said tenements and premisses, of an estate of inheritance in fee simple, or in fee taile generall with the reuersion or remainder thereof to his owne heires for euer in his own right, and to his owne vse without any maner of condition or other limitation of vse which may alter, change, distroy or discontinue the same or any part therof, by good, perfect, and sufficient conueiance and assurance in the law, and that he the said I.B. at the ensealing and deliuerie hereof hath good, full, and perfect power, and lawfull authoritie to demise, graunt, assure, and conney the said messuage, tenements, and other the premisses, vnto the said G.P. his heires, executors, administrators, and assignes, according to the effect and true meaning of these presents. And that the said I. his heirs, executors, administrators, and assignes, shall and will, at all times hereafter during all the said terme of one and twenty yeares, acquite and discharge, and saue harmeless aswell the said G.P. his heires, executors, administrators and assignes, and all other occupiers of the premisses, as all the said tenements, and premisses and euery part thereof, of, and from all former bargains, sales leases, dowers, iointures, rents, seruices, rent charges, arrerages of rents, and all other charges and incumbrances whatsoeuer, other than the rents seruices and summes of money in these present Indentures before reserued and mentioned. And that the said G.P. his heires, executors, administrators, and assignes, and euery of them shall and may at all times hereafter, and from time to time, during the

said terme of xxj. yeres haue, hold, occupie, and enioy all and singular the said messuages, landes, tenements, and other the said demised premisses, and euery part and parcell thereof with the appurtenances according to the tenor, effect, and true meaning of these presents, without any maner of lawfull let, interruption, suit, veration, impedement, euiction or trouble of the said I. B. or any other person or persons, by his or their commandement, meanes, procurement, assent, consent, occasion or agreement, or lawfully claiming, or which shall or may hereafter lawfully claime from, by, or vnder the said I. B. or his title &c. In witnesse &c.

A Lease of Lordships by a Deane and Canons.

Sect. 436. THis Indenture &c. Betwéene I. P. Doctor of the ciuil law, Deane of the Colledge &c. And the Canons of the same Colledge on thone party, and A. D. on thother party, witnesseth, that the said dean and canons by their whole and mutuall assent &c. haue demised &c. vnto ỳ said A. their mansion or dwelling place of their Manor or Lordship of T. aforesaid in the said countie of B. lately called the Priorie, with all the scite and circuit of the same mansion, barns, stables, and all houses, buildings, yards, closes, orchards, gardens, ponds, and stewes, contained within the same scite or circuite, together with the demesne landes, meadowes and pastures, with all and singular the appurtenances to the said mansion or dwelling place, Manor or Lordship, or to any part or parcell thereof, or to any of them belonging, or in any wise appertaining, and also all and singular their landes, tenements, meadowes, leases, pastures, commons, fishings, with all other easements, profits and commodities, and all other their hereditaments, whatsoeuer they be, set, lying and being within the Towne and fields of T. aforesaid. And also all those their two milles called &c. with all and singular their appurtenances, profits and commodities, and with all other their messuages, landes, tenements, meadowes, pastures, commons, easements, profits and cõmodities, with all and singular rents, reuersions, remainders, and seruices of all ỳ tenants, aswel freholders as tenãts for yeres or from yeare to yeare copiholders, tenants at will or otherwise, set, lying or being, to be perceiued or taken within the townes, parishes or fields of S. &c. lately belonging or appertaining to the said late Prior of T. aforesaid, with all and singular their appurtenances and all ỳ their Manor or Lordship of T. with all the demeanes of the same, and all and singular their other messuage &c. as next aboue. And also all manner of such glebe landes and tenements, tithes, oblations,

fruits,

fruits, profits and commodites whatsoeuer they be, to the Churches and Parsonages of P. C. and L. or to any of them now belonging, or in any wise appertaining, or which at any time heretofore haue of right appertained, or belonged to them, or to any of them: And also all and singular pentions and portions in L. W. and with all rights, profits, casualties, and commodities, aswell spirituall as temporall: together with all woods, underwoods, warrens, and other liberties whatsoeuer they be, to the said manors, or Lordships of L. or C. or to either of them belonging, or in any wise appertaining, or that be set, lying or being in the townes and fieldes of L. and C. &c. aforesaid, or in, or vpon any of the premisses: Excepted and alwaies reserued vnto the said Deane and Canons, and to their successors, al such rents and fruits pentions and portions, which bee contained in a Scedule indented thereof made, and to this Indenture annexed, amounting to the yearely value of xx. li. And also except and reserued vnto the said Deane &c. all and singular felons goods, reliefes, wards, marriages, escheats, hariots aduowsons, and patronages of Churches, in any wise to the said Lordships belonging. To haue, hold, occupie, and peaceably to possesse and inioy the said scite, mannors, or Lordships, and all and singuler the premisses with their appurtenances (except before excepted) vnto the said A. D. &c. in as ample and large manner and forme and as much for his commoditie and profit, as euer any being Priors of L. aforesaid or any other farmer, occupier, or possessor of the same, haue at any time heretofore lawfully occupied, possessed, or inioyed the premisses, or any part or parcell thereof. Yeelding and paying therefore yearely vnto the said Deane and Canons, and to their successors &c. And the said A. couenanteth &c. that hee the said A. his executors or assignes, shall at his or their owne costes and charges, well and sufficiently repaire, sustaine, and vphold the said mannor place, and all other houses barnes, and stables, and all maner of tenements and buildings, now builded: during the said terme of &c. or to bee builded to the said manor of L. and C. or to either of them belonging or appertaining, during the said terme. And also well and sufficiently keepe, scowre, and repaire all maner of hedges, ditches, and muds, of, and in the said lands of the said manors, and other the premisses, during the said terme, and so being well and sufficiently repaired, in the end of the said terme shall leaue and yeeld vp the same. And the said Deane and Canons couenaunt &c. to beare and maintaine all maner of reparations of Chauncels of all such Churches as belong to any of the said mannors, or that now bee, or that hereafter shalbe scituat, edified, or builded in any of the said townes

townes, villages, or hamlets before mentioned, or vpon any the said lands, tenements, or other the premisses. And also to discharge or saue harmeless the said A. D. his executors and assignes of all such things as are due, by reason of composition made betweene the late Prior of L. and the Parochians of &c. bearing date the tenth of Ianuarie, Anno dom. 1550. as in the same composition more plainely is declared. And also the said A. couenanteth &c. to acquite and discharge or saue harmeless the said Deane &c. of and for all maner of quitterents, and other charges whatsoeuer they bee, due or accustomed to be paid out of the said manors or Lordshippes, or out of either of them, or other the premisses or any parcell thereof, to our soueraigne Ladie the Queene, the chiefe Lord of the fee or fees thereof, or to any other person or persons whatsoeuer they be during the said terme, hauing their commencement, beginning, and being before the date of these presents, the tenth or tenthes out of any of the premisses due vnto our soueraigne Ladie the Queene onely excepted, which the said Deane and Canons and their successors shall beare and pay, during the said terme. And moreouer the said Dean &c. by these presents doth licence and authorize the said A. and also doth couenant &c. that hee the said A. his executors or assignes, by his or their sufficient deputie or deputies, shall keepe the Courts and Leetes within the said manors and Lordshippes, or within either of them, in the name of the said Deane, when and as often as it shall seeme good vnto the said A. his executors or assignes, without fee or other allowance demanding of any person or persons for the same, during the said terme. And also the said A. couenanteth &c. to leuie, gather, and receiue to the vse of the said Deane and Canons, and their successors, all such rents as be excepted and reserued out of this Indenture, and mentioned in the said Scedule indented, herunto annexed, at such time as they shall be by the law recouered, or by any other way or meanes sufficiently or lawfully tried and proued against the said tenants or detaynors and withholders of the said rents and dueties to be payable vnto the said Deane and Canons, which hee the said A. D. may obtaine or get, without costs and charges in the law to be had or made by the said A. for the same, and for the collection thereof to demand no fee or other allowance whatsoeuer, of the said Deane and Canons vpon his accompt thereof to bee made before the Auditors of the said Deane and Canons and their successors during the said terme. Also the said A. couenanteth &c. to make payment, at and within the said Colledge of the said yearely rent of &c. equally at the termes of payment before specified, to the hands of the Treasorer of the sayd

Colledge

Colledge, at his owne proper costes and charges, without allowance taking for the same, during the said terme. And the said Deane and Canons for them and their successors, doe couenant &c. that the acquitance made, sealed, and signed by the Treasorers of the said Colledge, or by either of them to the said A. or his executors, or his assignes, for the payment of the same yearely rent, or any part or parcell thereof, in maner and forme before mentioned, shall bee a good, sure, and sufficient warrant and discharge vnto the said A. his executors and assignes, and to his or their deputy or deputies for the paiment thereof. And if it happen that the said yerely rent of &c. to be behind &c. As in distresses. And if it happen the said yearely rent of &c. to bee behind vnpaied in part or in all, after any of those feasts of payments before mentioned, by the space of three Moneths, and lawfully asked or demaunded, at, or in the said mansion house of T. aforesaid, and no sufficient distresse can there be found vpon the said tenements and premisses, for the same rent so behinde: That then &c. As in Reentries. And the said Deane and Canons couenanten &c. that if the said A. his executors and assigns, shall happen at any time hereafter to be euicted or dispossessed of any of the premisses, or any part or parcell therof, without couin or fraud on the part of the said A. his executors or assignes: That then the said rent of &c. shall be apportioned and diminished accordingly, and after such rate and portion, as the quantitie and value of the said lands, tenements, and hereditaments, and other dueties, parcell of the premisses so euicted or taken from the possession or occupation of the said A. his executors or assignes, shall amount and arise vnto. And that it shall bee lawfull vnto the said A. his executors or assignes, to defaulke and retaine so much of his rent at euerie of the said paiments: This Indenture &c. notwithstanding. And further the said Deane and Canons for them and their successors couenant, conclude, graunt, and promise &c. As in couenants of further assurance. And the saide A. couenanteth &c. to find house, lodging, meate, stable, hay and prouender for the horses of the said deane and canons, and other comming with him or them in progresse once in the yeare by the space of two dates and two nights, the said deane and canons and their successors, paying reasonably for meat only and drinke so prouided during the terme aforesaid. And further the said A. couenanteth &c. that hee his executors and assigns, shall at the end and terme of euery xij. yeares (during the said terme) deliuer, or cause to be deliuered vnto the sayde Deane &c. the Court Rolles well and truely ingrossed in parchment, at his and their costs and charges of such Court as shall be kept in the

said

said manors of T. and C. during any of the said rij. yeres, and also at the end of euery such rij yeres, he ỹ said A. his executors or assignes shal as nere as they can, deliuer, or cause to be deliuered to the said Deane &c. in maner before rehearsed, a true terrar or boundary of all the lands and tenements, rents and seruices, being parcell or in any wise appertayning to the said manors. And the said Deane and Canons couenanten &c. that they shall deliuer, or cause to be deliuered vnto the said A. &c. at such times as they shalbe thereunto required, one or two of their most true terrars or boundaries, whereby the said A. his executors or assigns may the better come to knowledge of all the said landes, tenements, rents, and seruices appertaining to the said manors. And the said Dean and Canons, and their successors, all the said manors &c. As in couenãts of quiet enioying and sauing harmeless. And also where the said A. standeth bounden vnto the said Deane and Canons and their successors by his deed obligatorie bearing date with these presents, in the summe of &c. the said Deane and Canons couenanten &c. that if the said A. his &c. do well and truely obserue, performe, fulfill and kepe, all and singular such couenants, grants, prouisoes, articles, and agreements comprised in this Indenture, which on the part and behalfe of the said A. his executors, administrators, and assignes ought to be obserued, performed, fulfilled and kept: That then the said deed obligatorie to bee void and of none effect, or else to stand in his full strength and vertue. And the said Deane and Canons &c. that it shalbe lawfull to the said Y. his executors and assignes, to haue and to take, in, and vpon the said lands before letten, competent and sufficient firebote, cartbote, plowbote, and hedgebote, to be occupyed and spent, in, and vpon the landes and tenements aforesaid, at all times during the said terme. In witnesse &c.

A Lease for yeares in the Court of Wards.

Sect. 437. THis Indenture &c. *vt supra* 330. and W. P. of the other partie, Witnesseth, that our said Soueraigne Lady, with thaduice of the Master and Counsell of her graces Court of Wards and Liueries, for and in consideration of the summe of &c. to the Receiuer generall of the said Court of Wards and Liueries, to her highnesse vse in hand paied, is contented and pleased to graunt, and by these presents doth grant, demise, and to farme let, vnto the said W. P. parcell of the lands and possessions late of G. P. deceased, in the Countie of C. hereafter particularly declared, viz. One tenement with thappurtenances &c. Reciting all the Landes particularly. All which premisses before recited

cited, in M.C. and T. amount in the whole to the cleere yerely value and rent of xy.li.iij.s. being in the hands and possession of our said Soueraigne Ladie by the minoritie of T.P. the Queenes Maiesties Ward, excepted, and alwaies reserued out of the said graunt, all aduowsons, presentations, nominations, gifts of Churches, and spirituall promotions, woods, underwoods, saning such as are before specially named wards, mariages, knights fees, reliefes, fines, heriots, and mines of mettall, stone and coale, rising and growing in and vpon the said lands, tenements, and other the premisses with the appurtenances, or any part thereof, during the minoritie of the said heire. To haue and to hold the said landes, tenements, and other the premisses with the appurtenances (except before excepted) to the said W.P. and his assignes, from the death of the said S.P. during the minoritie of the said heire. Yelding and paying therefore yearely during the said terme, to the M. feodarie of the said Countie of C. or to his lawfull deputie for the time being, to her highnesse vse, the summe of &c. at the feasts of &c. by euen portions. And the said W.P. couenaunteth &c. for him and his assignes, by these presents, that he the said W.P. and his assignes, ouer and besides the said rent before reserued, shall also content and pay to the Receiuer generall of the M. court of Wards and Liueries, to the vse of our Soueraigne L. or of her heirs and successors all such summes of money, which shall hereafter be found due and payable in the said Court, for the mean rates and profits of the said lands, tenements, and other the premisses with thappurtenances, vntill such time as the said lands &c. be prosecuted and had, out of the hands and possession of our said Soueraigne L. or of her heires and successors, by Liuerie, Dusser le maine, or otherwise, according to the order of the Lain. And the said W.P. couenanteth &c. for him and his assignes, by these presents, that he the said W.P. and his assignes, during the said terme, shall at his and their owne proper costes and charges, make or cause to bee made, all manner of necessarie and needfull reparations vpon the sayd landes, &c. when and as often as need shall require, and sufficiently repaired, at the end of the said terme shall leaue the same, and Sect. 348
shal discharge, content, and pay yerely all rents, tithes, and other charges lawfully demanded, and going out of ỹ said lands, tenemẽts, and other the premisses with thappurtenances. And likewise also shall from time to time, permit and suffer the said Feodary for the time being, to survey the said lands &c. as well for the knowledge of the performance of the couenants, contained in this Indenture, on the behalfe of the said W.P. and his assignes, as of all waste, incommodities, hurts, and decaies

alreadie

arrearis, fallen, and which may rise and growe, to the hinderance of the said heire, or to the impairement of the Quenesright and profit, and shall at all times hereafter bee contented to receive and fulfill all such further ordres which the said Master and Counsell shall take for the redresse of any such default found by the sayde survey: So as neither the Qu. nor her highnesse said Ward, doe sustaine any losse or preiudice by their negligence, for lacke of their helpe, to whom the charge appertaineth. And the sayd W. P. covenaunteth &c. for him and his assignes by these presents, that if at any time hereafter by the survey of the said Master and Counsell, or any other by them authorized, it be found, that the said lands, tenements, and other the premisses with the appurtenances, were of more, better, and yerely value or rent, at the time of the making hereof, than the rent before reserued doth amount vnto, or that any rent or profit whereof the Qu. ought to bee answered, bee omitted, and not truely reserued vpon his Lease: That then the said W. P. and his assignes shal content and pay yerely during the sayd terme to the said Feodarie for the time being, to her highnesse vse, at the feasts before limited for the payment of the said rent, the overplus found by the said survey to bee above the said rent &c. and shal likewise content and pay tharrerages of the same overplus frō the beginning of this Lease and Grant. And further that neither hee the said W. P. nor his assignes, shall doe, or suffer to bee done any strepe, (vt sup. 369) And it is agreed on the behalfe of the Qu. by the sayd M. and Counsel, that he the said W. P. and his assigns, during the said terme, shall haue and take vpon him the said lands &c. by thassignement of the said M. and Counsell, or any other by them authorized, sufficient housebote, firebote, and cartbote, onely to be vsed and expended, in, and vpon the said lands &c. And the said W. P. covenanteth &c. vt sup̄ 369. And shall once in euerie yere during the said terme, bring or send to the Auditor general of the said court of wards and liueries his acquitāces, declaring paiment of the rent before reserued, and hereafter growing vpon this lease, and also bring the same lease, within one halfe yere next after the date hereof, vnto the Auditor aforesaid, to haue the same there inrolled, as the same Auditor may haue perfect knowledge and vnderstanding how to charge and allow the sayd rent, or other charge rising vpon this lease, at all times when neede shall require. And it is prouided on the behalfe of the Q. by the said M. and Counsell, that if at any time hereafter, during the said terme, it fortune the said rent (as in Re-entries & distresses) vntil her highnes be fully answered and paid, aswel of the said rent, and thatrerages therof, as of the haine of the detriment

and

and damage ſuſtained by the breaking of the ſaid couenants, or of any clauſe or article before mentioned, this leaſe or any thing therein contained to the contrary. In Witneſſe &c. *vt ſupra* 330. *b.*

A Leaſe of a Brewhouſe.

THis Indenture &c. Betweene A.B. and C.D. Witneſſeth, that the ſaid A.B. hath demiſed &c. to the ſaid C.D. all that his brewhouſe with all and ſinguler thappurtenances called M. ſet lying and being in F. in the parish of &c. together with all maner veſſels and vtenſils to the ſaid Brewhouſe belonging, or in any manner wiſe appertaining. viz. j. horſe Mils, price &c. great leads, price &c. one maſh fat, price &c. x. barels, price &c. togather with al manet of veſſels and vtenſils contained in a certaine ſcedule hereunto annexed. To haue &c. And the ſaid C.D. couenanteth &c. that he the ſaid C. his &c. ſhall well, truely and ſufficently maintaine, repaire and ſuſtaine the ſaid brewhouſe, veſſels and vtenſils, &c. during the ſaid terme. Prouided alwaies, that if any of the ſaid veſſels or vtenſils ſhall need, during the terme aforeſaid, by meanes of oldneſſe to be renewed. That the ſaid A.B. his &c. ſhall of his and their proper coſts and charges, renew all and euery ſuch veſſels or vtenſils to be renewed, as oft as need ſhall require during the ſaid terme, So that the ſame be not broken or deſtroied by the default or negligence of the ſaid C. or his ſeruants. In witneſſe &c. Sect. 438.

A Leaſe of Corne or graine by the King.

HEc Indentura facta int̄ dn̄um reg. ex vna pte, & I.C. Milit̄ ex alter pte, Teſtat̄ qd̄ idem dn̄us Rex per aduiſam̄t conſilij cur̄ Aug-m̄tac' reuention̄ Coronę ſuę, tradidit, conceſſit, & ad firmā dimiſit p̄f. I.C. oīa illa ducent̄ quarteria hordei, & quadraginť quarter̄ frum̄ti boni & ſauis grani, quę firmarius ſeu firmarij Rectoriæ de O. & H. in com̄ L. pcel poſſ. nup̄ Monaſter̄ de N. in com̄ Ebor̄ p & nomiñ redd̄ ſiue annualis firmæ eiuſd̄ Rector̄ dicto Dño Regi annuatim reddere & deliberare debent ſeu debet, Habend', gaudend̄, & annuat̄ pcipiend̄ hordeū & frum̄t p̄d p̄f. I. C. aſsign̄ ſuis, à feſto S. Mar̄ Euang. vltimo p̄terito, vſq; ad finem term̄, & p̄ term̄ xxj. annor̄ extunc p̄x' ſequen̄ & plenar̄ complendor̄. Rdd' inde annuat̄ dict' Dño regi, hered̄ & ſucceſſor̄ ſuis xl. li. xiij. s. iiij. d̄. legalis monet̄ Angl̄ viz. p p̄d CC. quarter̄ hordei xxx. li. & p p̄d xl. quarter frumenti x. li. xiii. s. iiij d̄. ad feſtū S. Marci Euang. & S. Kather̄ in hiem̄, vel infra vnum menſē poſt vtrumq; feſtum feſtorum illorum ad curiam p̄d̄, p̄ æquales porciones ſoluend̄ durante termino p̄dicto &c. *vt ſupra.* Sect. 439.

A

A Lease of a Warren of conies.

Sect. 440

THis Indenture &c. Witnesseth, that the said W. B. hath demised &c. to the said S. I. and T. all that warren called B. heath warren in Y. in the said county, bounden as followeth, viz. from a place called W. farme, vnto a certaine close called Y. close, &c. vnto a certaine lodge thereupon: And also the libertie of keeping, feeding, and killing of conies, of, and within the said ground called B. as it is before in these presents limited and bounden: And also the libertie and right which the said W. now hath, or of right ought to haue, to fetch home, or kill the conies straying in Y. parke and N. closes, or any other grounds, lying on the north side of the becke running from west fenns aforesaid, vnto a bridge called S. Wilfords bridge within the bounds of Y. and N. aforesaid. To haue and to hold &c. Yeelding and paying &c. Prouided alway, and it is agreed betweene the said parties by these presents, that the same S. I. and T. their executors or assignes, shall not willingly suffer any conies to breed within any of the grounds where the said conies shall fortune to stray as is aforesaid, nor shall by themselues, their assignes or seruants, willingly preiudice or damage any man being owner or farmer of the same grounds, by breaking of the fences, or digging of his or their soile, or by any other waies or meanes, as little as may be. And the said S. I. and T. couenant &c. as in couenants to repaire. And also shall leaue the said borowes in the foresaid ground to them demised, whole, tenauntable, and not mangled or decayed. And the said S. I. and T. do further couenant &c. that then the said S. I. and T. their executors or assignes, shall leaue, in, and vpon the demised premisses, tenne hundred of liuing conies, at the end of the said terme, whereof the one halfe to be blacke, and the other halfe gray, or pay and recompence vnto the said W. B. his executors or assignes, for euerie hundred of the said blacke conies that then shalbe wanting liii. s. iiii. d. and for euery hundred of gray that shalbe wanting xxx. s. the same to bee viewed by foure indifferent men, whereof two to bee chosen by the said W. B. and other two by the said S. and the said W. B. to bee at his choice thereof. And it is agreed between the said parties by these presents, that if the said W. doe make choice to take the money that shalbe agreed vpon, in lieu and recompence of so many of the said conies as shalbe wanting after that rate aforesaid: That then the said S. I. and T. their executors or assignes, shall haue day for the paiment of the same money so agreed vpon, vntill the feast of &c. any thing before in these presents mentioned or contained to the contrarie in any wise not-

notwithſtanding. And it is further agréed betwéene the ſaid parties to theſe preſents, that the ſaid S.I. and T. their executors or aſſignes ſhall at the end of the ſaid terme leaue all the traps or falles now being, or which hereafter ſhall be made, ſet, or planted, in, and vpon the ſaid demiſed premiſſes, and euery part thereof, well and ſufficiently made and planted. In witneſſe &c.

A leaſe of fiſh and pondes.

THis Indenture tripartite indented &c. betwéene P.W. on the one partie, and T.E. on the ſecond party, and H.W. on the third party, Witneſſeth, that the ſaid P.W. hath demiſed &c. to the ſaid T.E. and H.W. all thoſe his thrée powles pondes, and dams in P. in the county of N. whereof the one is called &c. damme, the other is called &c. and the third is called &c. and are parcel of &c. all which ſaid powles and dams the ſaid P.W. hath of the leaſe and demiſe of our ſoueraign La. vnder her graces ſeale of &c. To haue and to hold the ſaid 3. powles, ponds, and dams to the ſaid T.E. his heires and aſſignes, from the feaſt of &c. next &c. with frée entrie, egreſſe, and regreſſe, to and from the ſaid powles, throughout the paſtures and cloſes of the ſaid H.W. at all times reaſonable hereafter from time to time during the ſaid terme. In conſideration of which leaſe and demiſe ſo made to the ſaid T.E. and H.W. in maner and forme aforeſaid, the ſaid T.E. and H.W. ſeuerally couenãt &c. that the ſaid P. during the ſaid terme, if he the ſaid P. doe ſo long liue, ſhal haue the third part of the ſaid fiſh that ſhall come, fall, riſe, and grow within the ſaid thrée powles, at euery ſuch time as the ſaid T.E. and H.W. or any of them ſhall happen to let out the ſame thrée powles, or any of them. In witneſſe &c. Sect. 441

A leaſe for yeares of lands and Milles.

REgina omnibus &c. Sciatis quod nos de aduiſamento Cancellar' & vnius generar' ſuperuiſor' ac atturnat' Curiæ noſtr' augmẽtation' & reuenc' Coronę nr'æ, in abſentia T.M. Militis alterius generar' ſuperuiſor' eiuſdẽ curię pro fine xij.li. legalis &c. ad manus Theſaur' cur' p̃d ad vſum nr'ũ prę manib' ſoluẽ, Tradidim', conceſſ. & ad firmam dimiſim' dilecto nobis A.D. omnes illas C. acr' terr' &c. iacen & exiſten cõmunib' campis de C. in com̃ nr'o E. &c. ac etiam oĩa & ſingula vagan & extrah. noſtr' annua prouenien & exiſten infra maner' de C. p̃d: Necnõ paſagiũ a quæ nr'æ de D. iuxt' caſtr' ũ de G. p̃d cum omnib' & ſingulis ſuis pertin modo vel nup in ſeperar' tenur' ſiue occupationib' &c. Necnon oĩa illa duo molend' noſtra aquatica, ac vnũ molendinũ nr'ũ fullonicum cũ pt̃in ſituat & exiſten infra dominiũ de C. p̃d. Ac oĩa domos Sect. 442.

A Lease of a Warren of conies.

Sect. 440

THis Indenture &c. Witnesseth, that the said W. B. hath demised &c. to the said S. I. and T. all that warren called B. heath warren in Y. in the said county, bounden as followeth, viz. from a place called W. farme, vnto a certaine close called Y. close, &c. vnto a certaine lodge thereupon: And also the libertie of keeping, feeding, and killing of conies, of, and within the said ground called B. as it is before in these presents limited and bounden: And also the libertie and right which the said W. now hath, or of right ought to haue, to fetch home, or kill the conies straying in Y. parke and N. closes, or any other grounds, lying on the north side of the becke running from west fenns aforesaid, vnto a bridge called S. Wilfreds bridge within the bounds of Y. and N. aforesaid. To haue and to hold &c. Yeelding and paying &c. Prouided alway, and it is agreed betweene the said parties by these presents, that the same S. I. and T. their executors or assignes, shall not willingly suffer any conies to breed within any of the grounds where the said conies shall fortune to stray as is aforesaid, nor shall by themselues, their assignes or seruants, willingly preiudice or damage any man being owner or farmer of the same grounds, by breaking of the fences, or digging of his or their soile, or by any other waies or meanes, as little as may be. And the said S. I. and T. couenant &c. as in couenants to repaire. And also shall leaue the said borowes in the foresaid ground to them demised, whole, tenauntable, and not mangled or decayed. And the said S. I. and T. do further couenant &c. that then the said S. I. and T. their executors or assignes, shall leaue, in, and vpon the demised premisses, tenne hundred of liuing conies, at the end of the said terme, whereof the one halfe to be blacke, and the other halfe gray, or pay and recompence vnto the said W. B. his executors or assignes, for euerie hundred of the said blacke conies that then shalbe wanting liii. s. iiii. d. and for euery hundred of gray that shalbe wanting xxx. s. the same to bee viewed by foure indifferent men, whereof two to bee chosen by the said W. B. and other two by the said S. and the said W. B. to bee at his choice thereof. And it is agreed between the said parties by these presents, that if the said W. doe make choice to take the money that shalbe agreed vpon, in lieu and recompence of so many of the said conies as shalbe wanting after that rate aforesaid: That then the said S. I. and T. their executors or assignes, shall haue day for the paiment of the same money so agreed vpon, vntill the feast of &c. any thing before in these presents mentioned or contained to the contrarie in any wise not-

notwithſtanding. And it is further agréed betwéene the ſaid parties to theſe preſents, that the ſaid S.I. and T. their executors or aſſignes ſhall at the end of the ſaid terme leaue all the traps or falles now being, or which hereafter ſhall be made, ſet, or planted, in, and vpon the ſaid demiſed premiſſes, and euery part thereof, well and ſufficiently made and planted. In witneſſe &c.

A leaſe of fiſh and pondes.

THis Indenture tripartie indented &c. betwéene P.W. on the one partie, and T.E. on the ſecond party, and H. W. on the third party, Witneſſeth, that the ſaid P.W. hath demiſed &c. to the ſaid T.E. and H.W. all thoſe his thrée poles pondes, and dams in P. in the county of N. whereof the one is called &c. damme, the other is called &c. and the third is called &c. and are parcel of &c. all which ſaid poles and dams the ſaid P.W. hath of the leaſe and demiſe of our ſouereaign La. vnder her graces ſeale of &c. To haue and to hold the ſaid 3. poles, ponds, and dams to the ſaid T.E. his heires and aſſignes, from the feaſt of &c. next &c. with frée entrie, egreſſe, and regreſſe, to and from the ſaid poles, throughout the paſtures and cloſes of the ſaid H.W. at all times reaſonable hereafter from time to time during the ſaid terme. In conſideration of which leaſe and demiſe ſo made to the ſaid T.E. and H.W. in maner and forme aforeſaid, the ſaid T.E. and H.W. ſeuerally couenãt &c. that the ſaid P. during the ſaid terme, if he the ſaid P. doe ſo long liue, ſhal haue the third part of the ſaid fiſh that ſhall come, fall, riſe, and grow within the ſaid thrée poles, at euery ſuch time as the ſaid T. E. and H. W. or any of them ſhall happen to let out the ſame thrée poles, or any of them. In witneſſe &c. Sect. 441

A leaſe for yeares of lands and Milles.

REgina omnibus &c. Sciatis quod nos de aduiſamento Cancellar' & vnius generar' ſuperuiſor' ac atturnat' Curiæ noſtr' augmẽtation' & reuenc' Coronę nr'æ, in abſentia T.M. Militis alterius generar' ſuperui. ſor' eiuſdẽ curię pro fine xij.li. legalis &c. ad manus Theſaur' cur' p̃d ad vſum nr'ũ prę manib' ſoluẽ, Tradidim', conceſſ. & ad firmam dimiſim' dilecto nobis A.D. omnes illas C. acr' terr' &c. iacen & exiſten cõmunib' campis de C. in com nr'o E. &c. ac etiam oĩa & ſingula vagan & extrah. noſtr' annua prouenien & exiſten infra maner' de C. p̃d: Necnõ paſsagiũ a quæ nr'æ de D. inxt' caſtr' ũ de G. p̃d cum omnib' & ſingulis ſuis pertin modo vel nup in ſeperar' tenur' ſiue occupationib' &c. Necnon oĩa illa duo molend' noſtra aquatica, ac vnũ molendinũ nr'ũ fullonicum cũ ptin, ſituat & exiſten infra dominiũ de C. p̃d. Ac oĩa domos Sect. 442.

ædificia, gardiñ, aquas, aquaꝝ cursus, gurgites, piscaꝝ, piscationes profi-cua, commoditates, & hæreditamenꝫ nostrꝝ quęcunq; cum ꝑtiñ dictis molend', siue eorum alicui quoquo modo spectanꝫ & ꝑtiñ aut cum eis-dem molendiñ ante hęc dimiss. locaꝝ, vsitaꝝ, seu occupaꝝ, existeñ modo vel nuper in tenura siue occupatione &c. Quæ omnia & singula præ-missa sunt parcellꝰ possessioñ nostrꝝ Ducatus nostrꝝ Eborꝝ. Exceptꝫ tamen semꝑ nobis hæred', & succesꝰ nostrꝝ & omnino reseruaꝝ oĩbus bosc' & subbosc', de, in, & supꝑ prędmiss. crescen & existeñ. Habend' & te-nend' præd'terꝝ, molendiñ ac cætera ꝑmissa cum pertinentibꝰ (excep-tis præexceptꝫ) ꝑf. A.D. Militi, executꝝ & assignꝝ suis, à festo &c. postꝫ daꝝ ꝑsentium, vsq; finem, terminũ, & ꝑ termino xxj. annoꝝ extunc ꝓxiṁ sequeñ, & plenarie complend'. Reddend' annuatim nobis hæred', & suc-cesꝰ nrꝝis, de & prꝺ ꝑd' terꝝ et cæteris prędmiss. in specialibꝰ tenurꝝ siue occupationibus prędict' &c. vt prędꝝ, existeñ vj. li. ac de et pro prædꝺ molendiñ & cęteris prędmiss. in tenurꝝ dicta &c. vt preferꝝ, existeñ vi. ł. legalis monetꝝ Angliæ, ad festa &c. vel infra vnum mensem postꝫ vtrũq; festũ festoꝝ illoꝝ, ad manus Balliuoꝝ vel Receptorũ prædmissorũ pro tempore existeñ, ꝑ æquales portiones soluend' durante toto termino prędict'. Et ꝑdict' A. executoꝝ, administraꝝ, & assignꝝ sui, oĩa domos & ædific' prædmissoꝝ, ac omnes illas necessaꝝ reparationes prædmissoꝝ in omnibus, & ꝑ oĩa, de tempore in tempꝰ, toties, quoties necessaꝝ & op-portuñ fuerit, bene & sufficiẽt supportabũt, sustinebunt, & manutene-bũt, duranꝫ termino prædict', ac tenemꝫta prędꝺ illa & prædmiss. sufficienꝫ reparaꝝ in fine termini ꝑdꝺ dimittent. Et vlterius volumus, ac per pre-sentes concedimus præf. A.D. executꝝ & assignꝝ suis qd' beñ licebit eis de tempore in tempus, capere, percipeꝝ, & habere competenꝫ et sufficien-ꝫ housebote, & maeremꝫ, ac hedgebote, firebote, plowbote, & cart-bote, de, in, & supꝑ ꝑdꝺ tenemenꝫ & prędmiss. crescenꝫ ibidẽ et non alibi, annuatim expendꝺ et occupand' duranꝫ termino ꝑdict'. Prouiso semꝑ, quod si contigerit prædꝺ seperales redꝺ, aut eorum alterum aretro fore &c. quod tunc & deinceps hęc præsens dimiss. & concess. vacua sit, ac pro nullo habeaꝝ: aliquo in presentibus in contrarium inde non ob-stante, & aliquo statuto &c. In cuius rei &c.

A lease for yeares of Coarter lands as Copihold

Sect. 443

THis Indenture &c. **Betwéene I. B. and T. Y. Witnesseth, that where the said I. B. is seised to him and to his heires in fee sim-ple, of, and in the manor of W. in the said County of P. and also of cer-taine messuages &c. in W. aforesaid. And where also the said I. B. at**

the

the speciall sute and desire of diuers of his tenants of the said manor, is pleased and contented to demise &c. the said purchased lands to his said tenants, in the maner and nature of Copihold lands of the said manor, as nere as may be, to the intent, that they the same tenants may better maintaine their houshoulds and familie: he the same I. B. doth by these presents demise &c. vnto the said T. H. one messuage, and xl. acres of land &c. To haue and to hold the said messuage &c. to the said T. H. his &c. vntill the end of the terme &c. then next following &c. Yeelding and paying therefore &c. And also, yearely during the said terme, seuen bone dayes: That is to say, two plough dayes, three harvest daies, one hay day, one weeding day, and in like maner & forme as the Copiholders of the same manor, do, and haue vsed to do for their bone dayes. And ouer this also two Hennes, yearely at the feast of &c. And also ten Egges at Easter yearely during this present lease, And also suts to the Court of the same manor, yearely during the said terme, as other ancient customarie tenants doe for their copyholdes of the said manor. And the said T. H. for him, his heires and assignes doth couenant &c. to content and pay vnto the said I. B. his heires, executors, administrators, and assignes, owners and possessors of the said manor, at all times, and from time to time during this present lease, at euery alienation, deuise, and exchange, hereafter to be made by the said T. H. his heires, executors, administrators, or assignes, or any of them, of the said estate, lease, or terme of yeares, or of any parcel therof, or of, or in the premisses, letten by this present Indenture, or any parcell of the same. And also at euery time and times that the said T. H. his executors, administrators, or assignes, shall die possessed of the said estate, lease, or terme of yeares, or of any part or parcell thereof, or of, or in the said premisses, or of any part of the same, and all and euery other lawfull departing by any other maner of meanes from the possession of the said premisses, or any part thereof, two shillings &c. for euery acre, in the name of a fine, and so after that rate for euery part and parcell of the same to be alienated, exchanged, or departed lawfully withall by the said T. H. his heires, executors, administrators, or assignes, or any of them, at any time or times hereafter, whereof they or any of them shall die possessed during the said lease, as is afore said. Prouided alwayes, that the said T. H. his executors and assignes, and euery of them, shall and may alien the same premisses, or any parcell thereof, from yeare to yeare onely, and not otherwise demise or alien the same premisses, or any part or parcell thereof, without any fine or summe of money to bee payed to the said I. B. his

heires and assignes, for any such demise, grant, or lease, or alienation, from yeare to yeare onely, as is last aforesaid. And that also the said T. H. his executors, administrators, and assignes, and euery of them, shall at all times, and from time to time yearely during this present lease, doe such sute to the court of the manor, as is before remembred. And also doe and beare the reparations of the said messuages taken from time to time, hauing such timber, as is, or shall be growing vpon the said premisses, towardes the same. And ouer that, shall beare, execute, and pay all and euery thing and things for the said premisses, taken by these present Indentures, ratably, and in such maner and forme, to all intents and purposes, as any of the customarie tenants and copyholders of the same manor, do, or ought to do for their customary lands and tenements, parcell of the manner aforesaid, of the like value and quantitie. And the said T. for himselfe &c. couenanteth &c. that the said I. B. &c. shall and may inclose and kæpe inclosed, so much of the premisses letten by these present Indentures, as at this time is not inclosed, and euery parcell thereof, for all the shæpe of the said I. B. his heires and assignes, being owner or owners of the said manors, and of all and euery the farmes of the said I. B. his heires or assignes, or any of them in W. aforesaid, parcell or belonging, of, or to the said manor, yærely during this present lease, in the open time of the yeare, in as ample and large maner and forme as the said I. B. his heires or assignes, should, ought, or might to haue done, if this Lease had neuer bin had ne made. And if it shall fortune that the said T. H. his executors, administrators, & assignes, or any of them at any time or times hereafter during this present lease, willingly and aduisedly to interrupt and disturbe the said I. B. &c. or any of them, or his or their farmors aforesaid, or any of them, quietly to haue, vse, take, and inioy the said grounds to be inclosed for shæpe, in such maner and forme as is before declared: That then hee the said T. H. for euery such disturbance or interruption, as is aforesaid, shall forfeit, & lose to the said I. B. his heires or assignes, Lords, and owners of the said manor, such paine and summes of money, as bin hereafter expressed: that is to say, For the first interruption or disturbance as is aforesaid xii. d. for the second interruption or disturbance xviii. d. and for the third interruption v. s. and from thencefworth for euery disturbance or interruption twice double the paine and summe next before the said interruption. And if it shall fortune the said T. H. his executors &c. at any time or times hereafter during this present lease, to make default of payment of the said yearely rent, in forme before remembred, or of the

said

said summe of money in the house aforesaid by them, or any of them to be forfeited, in manner and forme before declared to be paied, or to the doing any couenant or grant before remembred, which on the part of the said L. H. his executors, administrators, or assignes, are to bee performed, paid, or kept: That then it shalbe lawfull vnto the said I. B. his heires and assignes, owners and possessors of the said manor, to enter into the and singular the said &c. As in distresses, and the same to detayne and keep, vntill the said L. &c. the said yearely rent shall well and truely content and pay vnto the said I. B. his heirs or assignes. And the said fines, paines, forfeitures, and summe of mony before remembred, with the arrerages of the same if any shalbe, and euery parcell thereof, and also shall haue made a reasonable recompence and amends to the said I. B. his heirs or assignes, of, and for the breach of any couenant or couenants before remembred, and for any damage by him or them sustained by reason of the same. And also as often as the said yearely rents and farmes, and the said fines, paines, forfeitures, or sums of mony shalbe vnpaied, or any of them, or any couenant or couenants aforesaid shalbe broken during the said terme of three yeres. Prouided alwaies, that if L. H. his executors, administrators, or assignes, shall doe, or willingly or negligently suffer to be done, any waste in the houses or buildings of the said messuages demised by these presents, and the selfe same waste shalbe lawfully presented at three of the most vsuall courts of the said manor to be there holden next after the said waste done and committed, and reasonable amerciaments and paines therefore presented and set by the homage of the said manor for the time being, and at the courts of the said manor: And that if the said waste be not amended and repaired within one quarter of a yeare next insuing the said seuerall courts before remembred, and lawfull warning thereof giuen by the bailife of the said manor for the time being to the said L. H. his executors or assignes, at the said messuage: That then it shall be lawfull to the said I. B. his heires and assignes, and euery of them into the said manor &c. As in Reentries In witnesseth &c.

A Lease of a Parsonage for yeares.

THis Indenture made &c. Betweene L. R. and R. W. &c. Witnesseth, that the said R. W. &c. hath demised &c. to the said L. R. &c. all that the Church, Rectorie, and Parsonage of L. aforesaid, in the said Countie of P. and the mansion or dwelling house of the same, with all other houses, edifices, and buildinges, orchardes, gardens, Sect. 444

glebe lands, and other meadowes, pastures, commons, woodes, vsele and exitures, rents, reuersions, seruices, fee hees, fruits, profits, oblations, obuentions, commodities, emoluments, portions, annuities, franchises, annuities, wardes, marriages, reliefes, escheates, heriots, woods, vnderwoods, courts, pequisites of Courts, and aduantages, with the appurtenances to the said Church, Rectorie, or Parsonage belonging, or therewith heretofore vsed, letten, or occupyed, and accepted, and taken as part, parcell, or member thereof, or of any part thereof: And the Aduowson of the Vicarage of T. aforesaid, in the occupation of &c. Except onely and reserued vnto the said R. and his assignes, one chamber opening into the Churchyard of T. aforesaid, and &c. with free ingresse, egresse, and regresse, to and from the same. To haue and to holde all the said Church, Rectorie, or Parsonage, mansion house, cottages, glebelands and tithes, and other the demised premisses with the appurtenances (except before excepted) vnto the said R. his executors, administrators, or assignes, from the feast of &c. vnto the full end and terme of three yeares thence next insuing fully to bee complete and ended (if the said R. so long doe liue) and so from three yeares to three yeares, continually during the terme of vij. yeares next insuing &c. of &c. if the said R. so long doe liue. Yeelding and paying &c. And if it happen the said yearely rent of &c. And the said R. for himselfe &c. that he the said R. his executors, administrators, and assignes, and euerie of them, at his and their owne proper costes and charges, shall and will at all and euery time and times hereafter during the said termes, well and sufficiently repaire, maintaine, vphold, and keepe the Chauncell of the Parish Church of T. aforesaid, and the saide mansion house, and all other houses now being set or builded vpon the demised premisses, or any part thereof (except before excepted) with all manner of necessarie reparations, within reasonable and conuenient time after such reparations or amendement of the premisses, or of any part thereof shall bee needefull, and in the end of the said terme so sufficiently repaired and maintained to leaue the same. And the sayde T. R. couenaunteth &c. that hee the sayde T. his heires, executors, administrators, and assignes, and euerie of them, at his and their onely proper costes and charges, shall and will finde and giue vnto the sayde R. W. and his assignes, sufficient grasse and pasture for one Gelding, Nagge, or Mare, in such partes of the demeane landes of the manor of T. aforesaid, as horses or geldings shall goe and pasture in, from the first day of May, vnto the feast of Saint Martine the Bishop in Winter,

yearely

yeerely euery yeere during the said termes. And to giue and deliuer vnto the said M. yearely during the said termes, at the mansion house of the said Parsonage, three sufficient waine loades of good hay, and three cocks of good coales, commonly called Sea coale or stone coale. And that he the said R. his executors, administrators, and assignes, at his and their proper costs and charges, shall and will maintaine, beare, and pay all manner of Tithes, Tenthes, Subsidies, Fifteenes, Diriges, Porties, Benevolences, and all manner of other charges, duties, paiments, fines, summes of money, ordinary and extraordinarie, as well for seruing of the cure of the said Parish, as otherwise, which hereafter during the said termes shall be duely going out of the said Church, Rectorie, or Parsonage, or payable for, or by reason of the same to any person or persons owning the said termes, except quarter Sermons, visitations, and seruing of the Cure of the said Parish. And the said R. for &c. to, and with the said M. his executors, administrators, and assignes, and euerie of them, paying the rents, and performing the conditions and conenants in these presents expressed, on their parts to be payed and performed during all the said termes, (if the said R. so long doe liue) shall and may peaceably and quietly haue, hold, occupy, and inioy all the said Church, Rectorie, and Parsonage, mansion house, cottage, glebe lands, tithes, and all other the demised tenements and premisses with the appurtenances (except before excepted) according to the true meaning of these presents, without any lawfull let, suite trouble, eviction or expulsion of the said R. his executors or administrators or any other person or persons lawfully hauing any estate or interest, of, and in the said demised tenements and premisses, or any part thereof, by the gift or graunt of the said R. other then the said T. and W. W. and their assignes, of such parcels of the sayd premisses, as are vnto them, or either of them graunted before the making hereof. And the said R. for himselfe, his executors, and administrators, and euery of them, doth couenant and graunt &c. to and with the said M. &c. that hee the said R. will not at any time during the said termes, resigne, yeeld vp, or exchange the said benefice or Rectorie, or take any other benefice with cure of soule, or bee absent or nonresident from the said benefice, contrary to the forme of the Statute in that behalfe prouided, or doe, procure cause, or suffer to be done any other act or acts, by meanes whereof hee shall or may lawfully be dismissed, discharged or depriued, of, and from the said Benefice, or whereby the profits thereof shall or may bee lawfully sequestred,

or which may or might in any wise be preiudiciall or hurtfull to the said T. K. his executors or assignes in the hauing and inioying of the Parsonage and premisses or any part thereof during the said terme, contrarie to the true meaning hereof. And the said T. &c. that all the said glebe lands belonging to the said Rectories shall be occupied during all the said termes so distinctly and orderly, that the same and euery part thereof, shall and may sufficiently be knowen to be the glebe lands of the said Rectories, and not to be confusedly plowed or mingled with other lands, to the disinheriting of the said K. VI. and his successors Parsons there. And the said K. couenanteth and granteth by these presents, that he the said K. at all times conuenient, during the said termes shall and will diligently teach and informe in writing, reading, and the Latin tongue, all and euery such child and children of the said T. as during the termes shall for that purpose repaire vnto him the said K. in the parish Church of T. aforesaid, or in some other place for that purpose meete and conuenient. And that he the said K. VI. or his sufficient deputie or deputies, shall well and duely serue the cure of the sayde Church, and minister all the Sacraments and Sacramentals to the Parishioners of the same at all times during the said terme as often as need shall require. Which said yearely rent of x. li. &c. the said T. K. couenanteth and graunteth by these presents, to, and with the said K. truely to content and pay yerely vnto the said K. VI. at &c. at the feasts and dates of payment aforesaid, or within the space of xx. dates, next and immediately insuing the same feasts and dates of paiment, for, and by all such time as the said K. VI. shall continue and be Parson of the said Church of T. &c. And the said T. K. couenanteth &c. that hee the same T. his executors and assignes, at their proper costs and charges during the terme, shall find an able and sufficient Priest to serue and keepe the cure of T. being a member or Chappel of the said Parsonage to find & say Diuine seruice daily, and there to minister diuine Sacraments and Sacramentals to the Parishioners there inhabiting during the terme aforesaid. And also it is agreed betwixt the said parties &c. that the same T. K. nor his executors ne assignes, shall not sell, giue, ne grant during the said terme, any part of the woods belonging to the said Parsonage, ne cut downe any part thereof, but onely for the necessarie housebot, hedgebote, plowbote, and firebote, to be spent onely in, vpon and about the premisses. In witnesse whereof &c.

A Pro-

A good prouiso for a lease of a Parsonage.

Prouided neuertheleſſe, and it is agreed, concluded, and graunted betweene the ſaid parties, and the ſaid I. Y. for him, his executors, administrators and assignes, and euerie of them doth couenant, promiſe, and grant, to and with the ſaid R. S. his executors and assigns by theſe preſents, That it ſhall be lawfull, to, and for the ſaid R. at any time during the ſaid terme, to reſigne the ſaid Rectorie or Parſonage of B. and other the premiſſes, at his free will, libertie and pleaſure, without breach of any couenant in theſe preſent Indentures contained: any couenant, grant, article, promiſe, clauſe, or ſentence in the ſame mentioned to the contrarie thereof in any wiſe notwithſtand. In witneſſe &c. Sect. 445.

A Couenant that the leaſor may enter and follow.

Prouided alſo, and neuertheleſſe it is couenanted, graunted, concluded, and fully agreed, by and betweene the ſaid parties to theſe preſents. And the ſaid R. I. for himſelfe, his executors and aſſignes, and euery of them doth couenant, grant, promiſe, and agree, to, and with the ſaid W. W. his heires and aſſignes, and euery of them by theſe preſents, that it ſhall and may be lawfull, to and for the ſaid W. W. his heirs and aſſignes, and euery or any of them, at all and euerie time and times conuenient, within the laſt yeare of the ſaid terme of xti. yeres, to enter into and haueſe much of the demiſed tenements and premiſſes with the appurtenances, as in the ſame yere ſhall be meete to be fallowed, and to eare, plow, and fallow the ſame, and euery or any part thereof, according to the vſage and cuſtome of the Country there in that behalfe, without any let, interruption, or diſturbance of the ſaid R. I. his executors and aſſignes, or of any other perſon or perſons by his or their, or any of their meanes, aſſent or procurement. Sect. 446.

A Leaſe for yeres by the Patron or Parſon, confirmed by the Biſhop, Deane, and Chapter.

THis Indenture made &c. Betweene E. C. of E. in the Countie of Y. Eſquire, Patron of one eſtate of inheritance of the Rectorie or Parſonage and parish Church in B. in the countie of A. And W. S. clerke, Parſon of the ſame Rectorie or Parſonage and parish Church aforeſaid of the one partie, And E. B. and R. B. of the other partie, Witneſſeth, that the ſaid Patron and Parſon for &c. haue demiſed, graunted &c. to the ſaid W. B. and R. B. &c. the Rectorie or Parſonage and parish Church of B. aforeſaid, and all the glebe landes. vt Sect. 447.

ſupra

supra in the Lease of a Parsonage. To haue and to hold the said Rectorie &c. to the said T.B. and R.B. their executors &c. Yeelding and paying therefore yearely to the said Parson and his successors &c. And if it fortune the said W.S. clerke, or any of his successors Parsons there, to be disposed hereafter to kéepe hospitalitie, in and vpon the mansion house of the said parsonage: Then the said T. and R.B. for them, their executors and assignes do couenant and grant, to, and with the said W.S. clerke, his successors and assignes by these presents, that vpon two monethes warning thereof to be giuen to the said T.B. and R.B. their executors and assignes, it shalbe lawfull to the said Parson and his successors, to haue and occupy the Hall and Butterie, and the Kitchin, with other houses of office expedient and necessarie for his and their hospitalitie, and stable rome for two geldings, parcell of the premisses, with free entrie, ingresse and regresse, into and from the same, during and by all the time of his and their hospitalitie kéeping there onely and no longer: any thing herein expressed to the contrary notwithstanding. In witnesse &c.

The Bishops confirmation of the last lease.

Et nos R. permissione diuina C. & L. Eps dioces. & Ordinarius Ecclesiæ parochialis de B. præd, ac Rectorie eiusdem nrę C. & I. Dioces. visus et diligent inspect omnibus et singulis actis, factis' gestis, concessis, conuentionibus, & confirmationibus, articulis, ceterisq; premiss. supra specificat, habitaq; primitus per nos in hac pte matura et diligenti examinatione, qui cõperimus eadem omnia et singula ex iustis & rationalibus causis fuisse et esse fact' patrat et concessa supranominatus T. B. & R. B. generos. ac assign suis ad termin suprascriptũ. Eadem oĩa & singula, prout melius aut efficatus poterimus siue valemus, authoritate nostr Ordinar & Pontifical, ad omne nostr offic' q exinde sequi poterit, aut quoquomodo licet seu debeat, pro nobis et successor nris quantum in nobis est, scienter et expresse ratificam', approbamus & confirmam' per præsentes. In quorũ oĩũ & singulor fidem & testimoniũ, ac in maiorem eorundem corroborationẽ, sigil nrũ præsentibus apposuimus. Dat apud E. xxv. die mensis M. Añ Do. 1592. Et regni illustrissimę in Christo principis, & dñæ nræ Dñæ Elizab. dei gratia &c. Reg, fidei defensor, ac in tra Ecclesiæ Anglicanæ & Hiberniæ supremi capitis 24. Ac nostrę transl. primo.

The Deanes and Chapters confirmation thereof.

Et nos H.W. Decanus Eccles. Cathed Lich. & Capitul eiusdem visis

visis & diligenter examinat & inspect' literis indentat' p̄sentib' iā annex. vna cum confirmatione dñi Episcop C. & Lich. sup eisdē habitaq; super eisdem deliberatione prouida atq; matura. Quia in hac pte considerand' inuenimus concessionē & ad firmā dimissionem Rector in dictis literis specific' rite atq; bene fore fact' idcirca ea omnia & singula in eisdem contenta (quantū ad nos attinet) acceptamus, approbamus, & ratificamus, eademq; tenore p̄sentium authoritate nostra Capitulari &c. xxiij. die mensis O. Anno Dom̄ 1592. *vt proximo supra.*

A Lease of lands by Executors.

THis Indenture made &c. Betweene Y. P. & T. W. of the &c. and Y. Sect. 448.
Y. and R. Y. of &c. executors of the last will and testament of R. B knight deceased late Lord chiefe Justice of the common Place of the other partie, witnesseth, that where the summe of 300. pound of &c. being parcell of the late goods and cattels of the said R. B. knight deceased is for better surety and aduancement of certaine of the children of the said R. and for certain causes and considerations hereafter expressed, deliuered to the hands of the said T. W. by order taken in the high court of Chancerie, by the right Ho. Sir N. B. kn. L. keeper of the great seale of England and by the assent of the said executors, vpon the hearing of the matter in controuersie betweene A. Y. and Dame D. B. his wife, late the wife of R. B. of thone partie, and the said executors on thother partie. And where also the said Y. P. by his deed indented, bearing date &c. hath demised, graunted and to farme letten vnto one G. T. all that the manor of R. with the members and appurtenances, set, lying and being in &c. and all his messuages, houses, buildings, lands, tenements, rents, reuersions, seruices, and hereditaments whatsoeuer with the appurtenāces, scituate, lying and being within ỳ parish of S. or elswhere in the Couty of Y. to haue, hold, occupy and inioy, all the said manors &c. to the said G. T. from the day of the date &c. vntill the end and terme of xx. yeares, then next and immediatly. Yeelding and paying therefore yerely &c. Expressing the summe, limitting the place and time of payment. By force whereof the said G. T. in the sayde &c. before demised hath entred, and is thereof possessed accordingly. Now the said Y. P. and T. W. in performance of the said order and consideration of the said sum of &c. to him the said T. W. payed by the sayd executors, before thinsealing hereof as is aforesaid, which said summe &c. aswell the said Y. P. as the said T. W. acknowledged to be receiued of the said executors and therof and of euery part and parcel thereof doe acquite, discharge, and release the said executors and euery of them,

their

their &c. and assignes by these presents, haue giuen, granted, bargained, and sold, and by these presents for them and their heirs, do clerely giue, grant, and sell to the said Y. M. and R. Y. and to their heirs and assigns, all the reuersion, remainder, right, vse, and interest of the said manor of S. and other the premisses. And of all lands, tenements, meadowes, pastures, woods, underwoods, rents, reuersions, seruices, aduowsons, and hereditaments whatsoeuer of the said M. P. within the said parish of S. and all the estate, title, vse, and interest of them the said M. and T. and each of them, of, and in all and singular the said manors, landes, rents, and all other the premisses with the appurtenances: And all the euidences, deeds, writings, and muniments concerning the premisses, or any part or parcell thereof. To haue and to hold all the said &c. (*vt supra.*) and all their euidences, deedes, writtings, and muniments concerning the same, to the said Y. M. and R. Y. and to their heirs and assigns for euermore, to the proper vse and behoofe of the same Y. and R. their heires and assignes for euer. In witnesse &c.

A Lease for yeares, whereupon an Ejectione firmæ *may be brought, which must be deliuered vpon the lands leased, and commence at some day before the date thereof, which some think to be without the compasse of the Statute of buying of Titles.*

Sect. 449. THis Indenture &c. Betweene G. S. on the one party, and P. T. of the other partie, Witnesseth, that the said G. S. hath demised &c. and by these presents doth demise &c. vnto the said P. T. &c. To haue and to hold &c. vnto the said T. P. his executors &c. from the feast of &c. last before the date hereof, vntill the full end and terme of &c. fully to be compleat and ended. And it is the true intent and meaning of these present Indentures, and of all the said parties to the same, ỳ neither the said T. P. or his executors &c. shall take any benefit or profit of the said tenement and premisses, or any part thereof to his owne vse, by reason or vertue of this present grant or demise, but onely that hee shall therein haue an estate, as is aforesaid, and be there vsed as lesse, or meanes to the only intent ỳ the estate, right, title, possession, and interest of the said G. S. of, in, and to ỳ said tenemẽts and premisses may be lawfully tried and recouered with conuenient expedition by writ or writs of Ejectione firmæ, or otherwise, at the onely costes and charges of the said G. S. his heires, executors, and assignes. And therfore it is by these presents couenanted &c. by and betweene the said parties, and either of thẽ for himselfe, his heirs &c. doth couenãt, grant, and agree, to and with the

the other, his heirs executors, adminiſtrators, and aſſigns, and euery of them by theſe preſents, in manner and forme following: that is to ſay, that if, and when it ſhall happen the ſaid P. T. his &c. to recouer and obtaine the poſſeſſion of the ſaid demiſed tenements, and premiſſes, or of any part thereof, by reaſon or pretence of this preſent demiſe, in any action or ſuit thereupon to be commenced in the name of the ſaid P. T. his executors, adminiſtrators, or aſſignes, or any of them, that within xx. daies after ỳ the ſaid P. T. or any of his executors, adminiſtrators, or aſſigns, ſhall be lawfully and actually poſſeſſed of the ſaid tenements, and premiſſes, or of any part thereof, by force and vertue of any ſuch recouerie, or of any writ of Habere facias poſſeſſ. or other ſuch execution to be ſued out vpon ſuch recouerie, this preſent graunt and demiſe ſhall ceaſe and be vtterly fruſtrate, void, and of none effect, to all intents and purpoſes. Prouided alſo alwaies, and vpon further condition following, viz. That if the aboue named G. his heires &c. doe at any time hereafter pay or tender, or cauſe to be paied or tendered vnto the ſaide P. his &c. xij. pence of &c. or in &c. for the ſaid tenements and demiſed premiſſes, that then alſo, and thenceforth, and at all and euery time and times it ſhall and may be lawfull, to and for the ſaid G. S. his heires &c. and euery or any of them into all the ſaid demiſed tenements and premiſſes, with thappurtenances, and euery part thereof, to reenter, and the ſame to haue againe and repoſſeſſe, as in his former eſtate and right and the ſaid T. P. his executors &c. and euery of them thereout vtterly to expell and amoue, as if this preſent grant or demiſe had neuer bëne had ne made: any thing therin contained to the contrarie thereof in any wiſe notwithſtanding. In witneſſe &c.

Couenants and Conditions which may be vſed in Leaſes.

AND it is agreed &c. that if it ſhall happen the ſayd houſes and buil- Sect. 442
dings to the ſaid ſcite of the ſaid manor belonging, or any of them at any time hereafter during the ſaid terme of &c. to bee waſted, deſtroyed, or otherwiſe decayed by the kings forrein Enemies, that then for all ſuch reparations and decayes of the ſame, the ſaid R. L. to bee cleerely acquited &c. any couenant herein aboue rehearſed to the contrarie &c. And the ſaid R. couenanteth, that hee the ſaid R. ſhall inhabite, abide, and dwell, in and vpon the aforeſaid manors, lands, tenements &c. or cauſe an able perſon to inhabite and dwell, in, and vpon the ſaid demiſed manor, tenements, and premiſſes, and to occupy and manure the ſame during the ſaid terme of xxi. yeares &c. And alſo that neither the ſaid R. L. nor &c. ſhall at any time during the ſaid terme, doe make, or cauſe to be made any waſt, or ſpoyle, in, or vpon the premiſſes

misses, or any part thereof. And also, that they the said R. L. &c. and euery of them, and their executors, &c. shall permit and suffer the said A. &c. his heires and assignes, to keepe all and euery their courts of the said manor, at and in such places of the said manor, as they haue heretofore vsed to haue bin kept, and to, and for all and euery the suters of the said manor, and euery other person & persons that shal haue cause or occasion to come or resort vnto the said Courts, and euery or any of them freely to come or goe, to, and from the same, without any let, disturbance, veration, or interruption of the said R. L. &c. his executors &c. and euery or any of them, during &c. And the said A. &c. doth cousnant &c. that he the said R. L. &c. shall and may lawfully at all times hereafter, when, and as often as need shall require, during the continuance of this present Lease, cleanse and rid any part or parcell of the said demised tenements and premisses, of, and from all maner of brambles, briers, bushes, and thornes, and other shrubes, for the amending and bettering of the same tenements and demised premisses, or any part thereof. And that he the said R. L. his &c. shall at all times hereafter during the continuance of &c. preserue and keepe harmlesse from damage or hurt of cattell, or other negligent spoile, all the woods and vnderwoods, growing in or vpon &c. or any part or parcell thereof &c. And that no manner of cattell at any time or times of the yeare, sauing only betweene the first day of November, and the first day of Aprill. &c. And that none other cattell or beasts, but calues and horses only shall be put or suffered to bee in the same woods and vnderwoods, or any of them &c. Prouided alwayes, and vpon condition following, viz. That if the said A. his executors &c. within one whole yeare before the end and expiration of any of the said seuerall termes of three yeares, shall giue, or cause to be giuen to the said R. his executors, administrators, or assignes, or any of them, sufficent notice or warning to depart from the said &c. at the end of the said terme of three yeares, wherein the said notice or warning shall happen to bee giuen. And also, at, or before the end and expiratton of the said three yeares, wherein the said notice or warning shall so fortune to bee giuen, shall well and truely pay, or cause to be contented and paied vnto the said R. his executors, admin. or assignes, for euery yeare of the said terme of xvi. yeares, which at the time of his or their departure from the premisses, shall bee to come and vnexpired, xx. shillings of good and lawfull money of England, at, or in &c. that then this present Indenture of demise, and all graunts and couenants therein contained, made on the part of the said A. to cease, and be vtterly frustrate, void,

and

and of none effect. And that then and thenceforth it ſhall and may bee lawfull, to and for the ſaid G. T. his executors and adminiſtrators, and euery of them, into all and ſinguler the ſaid &c. to receiue, and the ſame to haue againe and repoſſéd, as in his &c. And that hée the ſaid R. his executors nor adminiſtrators, nor any of them, ſhall not, nor will not at any time during the ſaid terme, aſſigne, let, ſet, or grant the ſaid meſuage &c. or any part thereof, or the occupation thereof, or of any part thereof to any perſon or perſons that ſhall inhabite, dwell, lodge, or lie therein, without the conſent and licence of the ſaid A. his heires and aſſignes, firſt had and obtained in writing vnder his or their hands and ſeales. And that hee the ſaid R. his executors or adminiſtrators, before the feaſt of S. Mich. the Archangell next inſuing the date hereof, ſhall and will remoue and put away all ſuch vndertenaunts as now bée, and dwell in any part of the ſaid demiſed tenements and premiſſes. Prouided alwayes, and vpon condition following: that is to ſay, that if the ſaid R. his executors and adminiſtrators, and euery of them, doe not well and truely, during the ſaide terme, pay or cauſe to be paid vnto the ſaid A. his heires, deputies, or aſſignes, the ſaid yearely rent of xxviij. ſhillings and foure pence, at the feaſt and times aboueſaid, and well and truely obſerue, fulfill, and keepe all the couenaunts in theſe preſents contained, according vnto the true meaning hereof: That then it ſhall and may be lawfull, to and for the ſaid A. his heires and aſſignes, and euery of them into the ſaid demiſed tenement and premiſſes &c. to reenter &c. Hee the ſayd A. doth couenant &c. vpon reaſonable requeſt at all times needfull, to aſſigne and deliuer, or cauſe to be aſſigned and deliuered to the ſaid R. his executors and aſſignes, within fourteene miles of the ſayde manſion houſe of the ſaid manor of Y. ſufficient timber trees for the repairing of the ſaid meſuage and tenement. And that the ſaid R. ſhall haue and inioy from time to time at all times hereafter, during the ſayd terme, to him and his executors, adminiſtrators and aſſignes, in and vpon the Downes, Commons, Waſtes, Heathes, and Sheepe-paſtures, belonging to the manor of T. in the ſaid County, ſufficient gate, running, paſture, courſe, and feeding of a hundred ſheepe, without any let or interruption of the ſaid A. his heires, executors, and aſſignes, farmers and occupiers of the ſaid manor and premiſſes, or of any other perſon or perſons, by his or their conſent, meanes, or procurement, with free liberty, ingreſſe, egreſſe, and regreſſe into, in, and from the ſame grounds, with all the ſaid ſheepe, at all and euery time and times conuenient: For which paſture to be had in forme aforeſaid,

the

the said R. couenanteth &c. by these presents, to content and pay vnto the said A. his executors &c. yearely at the feast of S. Mich. during the said terme for the pasture of euery sheepe to be so pastured as aforesaid, foure pence &c. And that if the said R. his heires &c. and euery of them, shall not quietly and peaceably, haue, hold, occupie, and inioy the sayde tenements and premisses with the appurtenances, during the sayde terme of one and twenty yeares, according to the true meaning of these presents: That thē within fortie daies after the said A. his executors or assignes, shalbe lawfully ejected, euicted, or expulsed from the said demised tenements and premisses, or any part thereof, hee the said I. P. his heires, executors, administrators, or assignes, or some of them, shall and will well and truely pay and allow, or cause to be payed and allowed vnto the said R. his executors, administrators, or assignes, or some of them for euerie whole yeare of the said terme of one and twenty yeres, which shall be to expire or expend at the time of such ejectment, euiction or expulsion out of the premisses, or any part thereof twenty shillings of lawfull English money, in the said mansion house of the premisses, and so much money as hee may then haue for so many of the yeares of the said terme, as at the same time of such euiction shalbe vnspent, as the same shalbe deemed to be worth by two indifferent men, which shal bee chosen by him the said R. and A. his executors, administrators or assignes, hauing respect vnto such profit. as the said R. might haue by reason of the said lease. And the said G. P. doth couenaunt &c. that neither hee the sayd G. P. his executors, administrators, nor assignes, nor any of them, shall not, nor will at any time during the said terme of one and twenty yeares, plow, cause, nor suffer to be plowed the saide close called T. or any part thereof, without the consent of the said I. B his heires or assignes first had and obtained in writing. And that he the said G. P. his executors, administrators, and assignes, and euery of them, shall and will during the said terme, keepe, vphold, and maintain all houses, hedges, and fences, in, and about the said tenements and premisses, and in the end of the same terme to leaue the same tenantable at the sight of two reasonable men, to bee chosen by the said parties indifferently to view and order the same. And that the sayd R. his executors, administrators, and assignes, shall, and will yearely during the said terme, pay, or cause to be payd all such money as shall be due for the winter pasture and inlayes due, or vsed to be paied for the said close with the appurtenances called T. and thereof acquit or saue harmelesse, or discharge the said A. his heires, executors, Administrators, and assignes, and euery of them. And the said A. &c. doth

coue-

couenant &c. that it shall and may from thencefoꝛth foꝛ euer be lawfull, to and foꝛ the said R. his executoꝛs and assignes of the said pꝛemisses at all times hereafter, and from time to time, to haue and take the commodities and vse of the water, as and in a certaine pond in T. aforesaid, commonly called T. pond, aswell foꝛ the watering of his and their cattell and beasts thither to bee bꝛought, dꝛiuen, oꝛ lead, which at any time hereafter shall be kept, remaine, oꝛ bee, in oꝛ vpon the said tenements, and pꝛemisses, as also to fetch, take, and carrie the said water, as and from the pond aforesaid, to bee vsed oꝛ occupyed in any place vpon oꝛ about the said demised tenements and pꝛemisses by any tenant oꝛ tenants thereof, and also to haue conuenient way and fꝛee passage from the mansion house of the said tenement, to and from the said pond, foꝛ the said R. his executoꝛs and assignes, to fetch, leade, and dꝛiue all and all manner of cattell vnto the said pond, and to fetch and carrie the sayd water to bee occupied as is abouesaid, without any lawfull let &c. And further the said R. L. foꝛ him &c. That if hereafter it shall happen the said A. his heires, oꝛ assignes, oꝛ any of them to inclose any parcell of the pꝛemisses befoꝛe by these pꝛesents demised to the said R. L. oꝛ any other lands oꝛ grounds in B. aforesaid, in oꝛ vpon which grouñds ỳ tenants of B. aforesaid, heretofoꝛe hath customably vsed to haue common of pasture, that then the said R. L. his executoꝛs oꝛ assignes shall not by vertue of these pꝛesents from thencefoꝛth pꝛetend oꝛ claime any title to the said ground so to be inclosed, as is aforesaid. But shall permit and suffer the said A. his heires oꝛ assignes the same to inclose and being inclosed, the same to occupie, to his oꝛ their owne vse without let oꝛ interruption of the said R. L. his executoꝛs &c. during his said terme: So that the said grounds by the sayd A. hereafter to be inclosed, shall not exceed the quantitie oꝛ number of C. acres, and so that the said A. his heires oꝛ assignes befoꝛe such inclosure doe assigne, appoint, allow and assure vnto the said R. L. his executoꝛs, administratoꝛs, and assignes and euerie of them, foꝛ and in recompence of such grounds so to be inclosed, as much and as good other landes and grounds within the parish and fields of B. aforesaid, whereunto and from the which the said R. L. his executoꝛs, administratoꝛs, and assignes, shall and may haue as fꝛee and good comming and going as hee now hath to and from such of the pꝛemisses befoꝛe by these pꝛesents to him demised, as so shall be hereafter inclosed, The same other landes to bee assured to the said R. L. his executoꝛs, administratoꝛs, and assignes in like manner and fourme, and vnder like condition and couenaunts as he oꝛ they should haue had oꝛ inioyed the lands oꝛ grounds so to bee inclosed, if no such incle-

the sayd A. for himselfe &c. that if in case the sayd A. decease before the expiration of the sayd terme of &c. or if the sayd A. at any time hereafter alien, gine, or grant ouer his whole interest and terme which he hath then or shall haue, of and in the premisses by vertue of this present Indenture, that then the executors or assignes of the sayd A. shall haue, occupie or inioy the same peacably from thencefoorth during so many of the sayd yeres as shalbe to come of the sayd terme of &c. and shall yearely pay and deliuer, or cause to be deliuered vnto the sayd R. T. or his assignes at &c. viij. gallons of wine sacke, good and perfect, or else x.s. of &c. at the feasts of Easter and about the sayd peacably vntil &c.

A Lease for a yeare, and so from yeare to yeare during the willes of the lessor and lessee.

Sect. 451. THis Indenture &c. Witnesseth, that the sayd A. B. hath demised &c. vnto the sayd C. D. To haue and to hold the sayd messuage &c. to the sayd C. D. and his assignes for the terme of one whole yere next insuing the date hereof, and so from yeare to yere at the will and pleasure of the sayd A. B. and C. D. Yeelding to the sayd A. B. his heires and assignes yearely euery yere, that the sayd C. D. or his assignes shall haue and occupie the sayd messuage and premisses by vertue of this present demise, x.s. of &c. at the feast &c.

Here may be added a clause of distres *nomine pœnæ*, or reentrie for the rent, and such couenants as are in other leases, according to the quality of the estate.

A Lease at the will of the lessor.

Sect. 452. THis Indenture &c. witnesseth, that the sayd A. B. hath demised &c. one messuage &c. To haue and to hold the sayd messuage with the appurtenances to the sayd C. D. from the date hereof, so long as it shall please the sayd A. &c. In witnesse &c.

Note that it is needfull to haue couenants that the lessee shall make reparations, and neither doe nor permit any waste, because he is not there with charges by law, but for voluntarie waste. Littleton sect. 71. & 83.

Assigne-

Assignements.

An Assignement of a Lease for yeares.

THis Indenture &c. Betweene C.D. &c. and E.F. &c. Witnes- Sect. 453.
seth, that whereas A.B. by his deede duely executed sufficient in the
law hath demised, granted, and to ferme let, &c. vnto the said C.D.
one messuage &c. (reciting the lands in the first lease) To haue and
to hold to the said C.D. his assignes, from the feast of &c. vntill the end
of 11. yeres then next insuing, as thereby appeareth, reserving thereby
the yearely rent of &c. and with diuers couenants and agreements in
the same Indenture contained: Now it is witnessed, that the said C.D. hath gi-
uen, granted, assigned, and set ouer vnto the said E.F. his executors, and ad-
ministrators, and assignes the said messuage &c. and all his estate, right,
title, interest, terme of yeres, and demaunde, of, in, or to the same, and euery
part thereof, together with the said deed indented. To haue and to hold
the said messuage, tenements, and premisses, and euery part thereof, with
the appurtenances to the said E.F. &c. during all the residue of the said
terme &c.

It is requisite herein to haue Couenants of the assignors part to saue
harmeless of former rents, graunts, and charges, for the deliuerie of
former deeds: That he is owner, in possession, and hath power to grant,
and that the assignee may quietly inioy, &c. and to make further assu-
rance &c. And on the assignees part to pay the rent reserued, and to
forme the former couenants &c. The like graunts may be of Rents,
charge, Common, and other things which lie in graunt, *Mutatis mu-*
tandis.

An assignement of a terme during Minoritie.

THis Indenture &c. Betweene W.P. of the one partie, and I.F. of Sect. 454.
the other partie, Witnesseth, that where one Sir Owen Tigne Knight
the D. by her Indenture, vnder the Seale of her Court of Wards and
Liueries, bearing date the 10. day of &c. last past, hath demised, graunted,
and to ferme let, vnto the said W.P. one tenement with the appurtenan-
ces, in the tenure of I.P. of the yearely value of &c. by yeare reseruing and
being in L. in the countie aforesaid, parcell of the inheritance of the Ho-
nor D. late deceased, and next heire of E.D. late deceased, To haue and to
hold the same premisses, to the said W.P. and his assignes, during the mino-
rity of

the said T. Y. yéelding and paying therefore yearely to her highnes the summe of &c. as by the same more plainely appeareth amongst other things. And after the xvj. day of &c. last past, the said W. P. obteined and had the licence of the said Master and Counsell of the said court of wards and liueries, to graunt, bargaine, and sell his whole interest, right, and title, of, and in the premisses, and euery parcell therof, during the minority of the said heire, vnto the said J. F. and his assignes, as by the indorsement of the said lease more at large appeareth. The said W. P. for, and in consideration of a certaine summe of money, to him the said W. P. before hand paied, by the said J. F. whereof &c. hath bargained, sold, giuen, granted, assigned and set ouer, and by these presents doth giue, grant, assigne, and set ouer vnto the said J. F. his executors or assignes, all that his right, title, interest, and terme of yeres, of and in the said premisses with the appurtenances, together with the said Indenture, had or made vnder the seale of the said Court of Wardes and liueries. To haue and to hold the said premisses with thappurtenances, and the said Indenture, to the said J. F. his executors and assignes, during the minority of the said T. Y. The said J. F. his executors or assignes paying the yerely rent therof aboue said, in the said lease reserued, and performing, fulfilling, and obseruing, all other couenants, and articles, contained and expressed in the same Indentures. And the said W. P. for him, his, &c. couenanteth and granteth, to and with the said J. F. his executors, administrators, and assignes, that he the said J. F. his &c. and euery of them, shall quietly haue, occupy, and inioy the said parcels of lands, and other the premisses, with thappurtenances before expressed, during the minority of the said heire. And that the same premisses, and euery parcel thereof, at the time of the making of this present grant, is and shall continue during the minority of the said heire, discharged &c. vt sup. 67.

An Assignement of a Ward.

Sect. 455. THis Indenture &c. (reciting the former Indenture till the first couenant) the custodie of &c. as by the same Deed indented among other couenants and agréements more at large appeareth. Now the said W. G. for diuers consideracions him mouing, hath graunted &c. (vt supra,) vnto the said J. D. as well the said custodie, (vt supra 369. verbat.) belonging, or appertayning, togither with all his right, title, and interest, which he the said W. G. hath by vertue of the agréement, from our said soueraign lady the Q. To haue and to hold the same vnto the said J. D. his executors and assignes, in as large and ample manor and

formes,

forme, as the said W. G. hath the same by force and vertue of the said grant. And whereas the said W. G. together with one J. D. by their deed obligatorie &c. stand iointly bound vnto our said soueraigne Ladie &c. with condition thereupon indorsed &c. that the said G. shall well and truely vt infra the said J. D. doth couenant &c. that he the said J. D. his heires &c. shall and will at all and euery time and times, and from time to time hereafter wel and truely keepe, defend and otherwise saue harmlesse the said W. G. his &c. of and from the forfait and fork. of the sayd obligation, and of, and from arrests, imprisonments, suits, penalties, damages, or other forfaitures and troubles whatsoeuer, which shall or may hereafter be had, made, done or suffered, in any maner of wise, by our said soueraigne Lady the Q. by reason of the said bond, or by any other person or persons in her Maiest. right, or by any reason or meanes, of any couenant, condition, article, or other clause contained and specified in the said Indenture made &c. And finally the said J. D. couenanteth &c. that he the said J. D. his &c. shall and will at all time and times, and from time to time hereafter, well and truely performe, fulfill and accomplish all and singuler the couenants, articles, conditions and agreements contained and specified in the said Indenture made between our said soueraigne Lady the Q. and the said W. G. according to the intent and true meaning of the same. In witnesse &c.

An assignement of Statutes.

THis Indenture &c. betweene Y. F. of the one party, and E. D. of the other partie, Witnesseth, that whereas E. M. and A. L. by one statute staple of Recognisance prouided for recouery of debts taken, recognised and sealed before C. W. knight chiefe J. of Eng. bearing date &c. are and stand bound vnto the said Y. F. in &c. to be paid at a certaine day now past in the said statute or recognisance specified (as by the same more at large doth and may appeare.) And whereas also one D. Y. of N. and the said E. M. are and stand bound vnto the said Y. F. in the summe of &c. by statute of the staple or recognisances prouided for the recouery of debts taken, recognised and sealed before the said C. W. kn. chiefe J. of Eng. bearing date the first day of &c. in the yeare of &c. as by the said statute or recognisance doth also more at large appeare. And whereas the said Y. F. is indebted vnto the said E. &c. And to the end the said E. F. his executors and administrators, may be the more assured thereof, the said Y. F. hath at this time deliuered the said two statutes or recognis. vnto the said E. and also for him &c. that the said Y. F. his &c. and euery of them shall and will at all times hereafter, and Sect. 456.

from time to time at and vpon the costes and charges in the law of the said C. her executors, administrators and assignes, iustifie, persorme, maintaine, anow, and to allow all such actions, plaints, acts, things, demises, processe, iudgements and executions as the said C. or her executors hath or may haue, or her or their learned Counsell in the law, Attorney or factor, shall in the name of the said H. F. his executors or Administrators demise, vse, bring, commence, attempt, affirme, or sue vpon or by reason of the said Statutes or Recognisances, or either of the, or for, or vpon the summes of money in the same contained, or any part thereof, or for the getting or recouering of the same. So that the said H. F. his executors or administra. shall not at any time hereafter become nonsuit in any of the said actions, suits, or plaints, or by any meanes willingly discontinue, miscontinue, or withdrawe the same, and that he hath not had, nor receiued the summes of money, nor any part nor parcell thereof, and also that he the said H. F. his executors or administrators neither heretofore hath done, vsed, committed, made nor assented vnto, nor hereafter without the speciall licence in writing of the said C. her executors or administrators shall doe, vse, commit, worke, make, and procure, suffer, knowledge or allent vnto any release, acquitance, discharge, graunt, couenant, act, thing, deuise, or practise to extinguish, barre, release, determine, forfait, suspēd or anoid the said statutes or Recognisances, or either of them, or the summes of money therein contained, or any part or parcell thereof, or any action or actions, suites, plaintes, processe, iudgements, or executions, which may, might, could or ought to haue been had, vsed, or pursued for, vpon, or by reason of the statutes or Recognisances, or either of them, or for, or vpon any the summes therein contained, or any part or parcell thereof. And further, that the said C. her executors or administrators shall and may haue, vse, take, perceiue and inioy to her and their vse without any accompt to be had or demaunded against her or them in that behalfe, all and singuler such benefits, profits, commodities and aduantages, of, for and vpon the said Statutes or Recognisances, and summes therein contained, as the said H. F. his executors and administrators heretofore could or might, and hereafter can, or may, haue, take or enioy, of, for and vpon the same by any maner of waies or meanes, whatsoeuer. And furthermore that the said H. F. his executors and administrators, in case the said summes of money, or any of them be lawfully tendred or paid vnto the said H. F. his executors or administrators shall and will at all times hereafter vpon requeſt reasonable to him or to them to be made, deliuer, and pay the same ouer to the said C. his executors or administra-

tors

tors, to her or their owne proper vſe. And alſo that the ſaid H. F. his executors and adminiſtrators, in caſe any goods, cattels, lands, tenements, or hereditaments ſhall be priſed or extended vpon, or by vertue of the ſaid ſtatutes or recogniſances, or either of them, ſhall and will at all times then, after, at, and vpon the reaſonable requeſt, coſts and charges in the law of the ſaid E. her executors or adminiſtrators, make all ſuch aſſurances and conueiances in the law, of, and vpon all the right, eſtate, terme, title, intereſt, property, and demaund of the ſaid H. F. his executors and adminiſtrators, of, in, or to the ſame goods, cattels, lands, & tenemẽts, as by the ſaid E. her executors or adminiſtrators, or her or their counſell learned, ſhall be deuiſed, aduiſed, or required. And moreouer, that the ſaid H. F. his executors, and adminiſtrators ſhall and will at all times hereafter vpon the requeſt of the ſaid E. her executors or adminiſtrators, and not otherwiſe, make, ſeale, and deliuer ſuch diſcharge or releaſe and acquitance, of, and for the ſaid Statutes and Recogniſances, or either of them, or any part of the ſummes therein contained, as the ſaid E. her executors or adminiſtrators, or her, or their counſell learned ſhall deuiſe or require. And furthermore that the ſaid E. her executors or adminiſtrators ſhall and may at all times hereafter without ſuite, action, or trouble of the ſaid H. F. his executors or adminiſtrators, kepe and retaine the ſaid Statutes and Recogniſances in her or their hands or poſſeſſion, and ſhew the ſame further at or in any Court or Courts, there to maintaine action, or procure execution, as the caſe ſhall require, or otherwiſe at her or their pleaſure: And becauſe the ſaid E. may haue lawfull authoritie to ſeeke the benefits of the ſaid ſtatutes or recogniſances, according to the true meaning, purport, and effect of theſe preſents aboue declared, the ſaid H. F. hath nominated, inſtituted, and appointed, and by theſe preſents doth nominate, inſtitute, and appoint, (As in letters of Atturney.)

Confirmations.

IT now appeareth partly how euery ſeuerall eſtate may be created, wherefore it ſeemeth very meet, if ſuch eſtates ſhall happen to bee defeaſible, to ſhew how the ſame may be made good, which may bee done by confirmation or releaſe of him which hath a better or lõger Sect. 457.

eſtate in the thing granted then the tenant therof hath: For *Confirmare* by Litletons minde, Sect. 522. is nothing els but only *firmum facere*, namely to make ſtrong and ſure ſuch an eſtate, as before the ſame confirmation, was for ſome cauſe voidable, and yet not meerely voide. Deeds of Confirmation bin made thus.

Confirmation in fee.

NOuerint vniuerſi per p̄ſentes me A. B. ratificaſse, approbaſſe, et confirmaſſe C. D. in plena et pacifica poſſeſſione et ſeiſiñ ſua exiſtēñ, totum ſtatum, poſſeſſionem, et intereſſe, quę habeo de et in vno meſuagio cum pertinentijs in D. &c. **To haue and to hold the ſayde meſuage &c. to the ſaid C. D. his heires and aſſignes for euer: Or the heires of his bodie, or otherwiſe, as his eſtate is which you would confirme, with ſuch warrantie and couenants as be in other conueiances, at the pleaſure of the parties.**

Alſo in Confirmations it is not amiſſe in the p̄miſſes of the deed, ſpecially to recite the eſtate of the tenant which muſt be confirmed, and alſo the eſtat of him that ſhall confirme, and to expreſſe the conſideration thereof, if any ſuch be.

A Confirmation of the office of a keeper of a Parke, warren, Bailife, and Steward.

HEnricus Dei gratia Rex Angliæ &c. Omnib' &c. Sciatis qd̄ cum dilectus conſanguineus noſtr̄ I. V. Comes Oxoñ ac Margaret conſors ipius Comitiſſa Oxoñ, feiſiti de manii de M. et B. ſibi et hæred' ſuis maſculis de corpore ſuo exeunt, reuerſiõ inde nobis et hered' noſtr̄ ſpect' p̄ lr̄as ſuas dat̄ &c. Dederunt et conceſſer, et p̄ eaſdē lr̄as confirmauerũt dilectis ſeruient̄ ſuis I. P. & I. D. armigeris officiũ parcarii parci ſui de M. vna cum officio balliui mañior̄ de M. et B. cum cuſtod' Warrenñ ſuar̄ ibidē, ac eoſdē I. P. & I. D. parcarios parci p̄d' balliuos p̄ęd' manerior̄ de M. & B. ac Seneſcall' ibidem, necnon cuſtod' Warrenñ ſuarum p̄ęd' p̄ ſcriptum ſuum p̄d' fecerit, ordinauerit, et conſtituerit. Habend', tenend' et exequend' dicta officia parcar̄, Balliui, Seneſc', ſeu cuſtod' dictarum Warrenñ ſuar̄ p̄ęd' I. P. & I. D, durante vita ipſor̄ I. & I. ac vtriuſq; eor̄ diutius viuentis. Percipiend' annuatim in & per occupationem et executionem officiorum p̄ęd', & eorum cuiſlibet tantas et talia feoda, vadia & regard', proficua et emolument̄ quāta p̄dictus I. P. pro eiſdem officijs et eorum quolibet aliquo tempore

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pręante habuit et percepit. Reddend' et faciend' annuatim verum et fidele compotũ corã auditor dicti Comit et comitiſ. pro tempore exiſtent, in et pro occupatione officij balliui pręſcript. Cum etiam prędict' Comes et Comitiſſa per eaſdẽ lras ſuas dederunt et conceſſerunt pfat I.D. officiũ cuſtod manerij ſui de M. pd. Habend, pcipiend', occupand', et exercend idem officiũ, per ſe aut ſuũ ſufficientem deputat, durant vita eiuſdem I. D. cum omnib' et ſingulis vadijs, regardis, pficuis, et emolument eidem officio ab antiquo debit et conſuet, put in eiſd literis plenius continetur. Poſt cuius donũ et conceſſionem pd I. P. obijt, et pd I.D. eum ſuperuixit, et tenet, occupat, & poſſidet officiũ pd' virtute conceſsionis pdict' p ius accreſcend. Sciatis nos de gratia &c. ac pro bono ſeruitio nobis p pdict' I. D. impenſo et impoſterũ impendend', ratificaſse, approbaſse, et confirmaſſe pręf. I.D. offic' præd' pro term vitę eiuſdẽ I. cum annuat feodo decem libr, ac cęteris regard' proficuis, et emolument pdictis. Ac etiã dedimus et conceſsim', et per pſentes damus et concedimus pręf. I. D. p ſi contingat pd' Comitem et Comitiſſ. ſine hęred' maſculo de corpore ſuo legitime procreat obire p tunc pd I. D. habebit, tenebit, et poſſidebit pręd' officia et eorum quodlibet, cum prędict vadijs x. libr annuatim capiend' vna cũ cęteris vadijs, regard', proficuis & emolumentis eiſdem offic' & eorũ cuilibet ſpectant ſiue ptineñ. Habend', tenend' et exercend pręd' officia et eor quodlibet per ſe, vel per ſufficient deputat ſuũ, ſiue deputatos ſuos, durante vita ipſius I.D. In cuius rei &c. Teſte &c.

A Confirmation of an Annuitie, with a grant of an other in allowance of Dower.

OMnibus Chriſti &c. R. A. de E. filius & hęres R. A. defunct' &c. Sciatis quod cum idem R.A. pater meus, per ſcriptum ſuũ gereñ dat &c. dediſſet, conceſſ. et confirmaſſet cuidam A.R. quandam annuitat ſiue annuat redit xx. libr exeunt de, et in toto ill' campo ſuo vocat C. iacen in villa de B. in com pd: Habend', percipiẽd, et leuand' annuatim, durant toto term vitæ eiuſdem A. ad feſta &c. cũ clauſula diſtrictioñ pro non ſolutione eiuſdem redit, prout in eodem ſcripto inter alia plenius apparet. Et cum poſtea idem R.A. pater meus duxit in vxorem A.R. pd, et durant ſponſat inter eos, idem R. A. pater obijt, et pd A. ipſum ſuperuixit, etiam ſu pſtes in plen vita exiſtit, ac pręd' annuali redit gaudeat et habere debeat. Noueritis ergo me Sect. 458.

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ꝑfat̃ R. A: filium, tam ratificasse, approbasse & hoc ꝑsenti scripᵗ meo confirmasse eidem Ag. A. viduę totũ statũ, titulum, et interesse eiusdẽ de et in præd annuaĩ redit̃ xx. libr̃ quã dedisse, concessisse, et hoc præsenti scripto meo confirmasse eidẽ A. quandam aliam annuitatem siue annualẽ redit̃ xxx. libraĩ, exeunt̃ tam de, et ex ꝑdict' campo vocat̃ C. quã de, et in oĩbus aliis terris et tenemtis meis cum pertiñ in B. præd: Habend', gaudend', & percipiend', tam dict' annuaĩ redit̃ xx. lib. quã ꝑdict' annuitat̃ siue annuaĩ redit̃ xxx. libr̃ per añ ꝑfat̃ R. A. et assigñ suis durante toto term̃ vitę naturaĩ' eiusd' R. A. ad festa &c. ꝑ equales porc' solvend', in plenam et integrã allocationẽ et satisfact' totius dotis et iunctur̃ eiusd' Ag. de et in oĩbus et singulis terris et tenemtis, et hæreditam̃tis, tam liberis quam customarijs, quę fuer̃ prędict' R. A. patris mei. Et si contingat ꝑdict' annuaĩ redit̃ &c. (As in distresses for rents and nomine penę.) In cuius rei &c.

A Confirmation by the Ordinarie and Patron of the Parsons lease.

Sect. 459. TO all true Christian people to whom this present writing shall come to be seene, heard, or read, W. I. by the grace of God Bishop of L. and Ordinarie of the Rectorie and Parsonage of S. in the Comtis of &c. and R. very inheritor, owner, and parson of the sayd Rectorie and Parsonage of S. send greeting &c. Know you vs the said B. and P. with one assent and consent, at the speciall and instant desire aswell of one E. as one I. clerke, Parson of S. aforesaid, to haue seene, read, examined, and perfectly vnderstood one Indenture of a lease, bearing date &c. made by the said I. vnto the said E. and to his assignes, of the Rectorie and Parsonage of S. aforesaid. And of all maner of tithe corne, hay, meadowes, glebe lands, leasures, pastures, tithe hemp, flax, oblations, obuentions, and all other tithes, profits and commodities, whatsoeuer they be to the said Rectorie and parsonage belonging and appertaining in S. P. and B. aforesaid, or elsewhere within the said County &c. To haue and to hold the said Rectorie and Parsonage, tithes, and all other the premisses with the appurtenãces to the said E. and his assigns, from the feast of &c. vntill the end and terme of &c. Yeelding and paying therefore yearely vnto the said I. and to his successors and assignes &c. at the feast &c. during all the said terme &c. Which said said Indẽture of lease of the said Rectorie and Parsonage, and all other the premisses with &c. to the same Rectorie and Parsonage belonging or pertaining, and all and euery thing and things, couenants, grants, and agreements therein

therein contained and ſpecified, we the ſaid I. B. and the ſaid Patron, for his and our heires and ſucceſſors by theſe preſents do confirme, ratifie, allow and eſtabliſh. To haue and to hold the ſaid Parſonage, glebe lands, tithes, oblations, obuentions, and all other the premiſſes, mentioned and contained in the ſaid Indenture of leaſe to the ſaid T. his executors and aſſignes, from the feaſt of &c. vnto the end and terme of &c. Yeelding and paying vnto the ſaid I. and to his ſucceſſors and to their aſſignes the ſaid yearely rent of &c. at the daies and feaſtes in the ſayde Indenture ſpecified and contained, and all other paiments and couenants in the ſaid leaſe mentioned. In witneſſe &c.

Surrenders.

What a Surrender is.

AN Inſtrument of Surrender is an inſtrument teſtifying with apt words, that the particular tenant of lands or tenements for life or yeres, doth ſufficiently conſent and agree, that hee which hath the next and immediate remainder or reuerſion therof, ſhall alſo haue the particular eſtate of the ſame in poſſeſſion, and that he yeeldeth or giueth the ſame vp vnto him. For euery Surréder ought forthwith to giue a poſſeſſion of the thing ſurrendred, of which be diuers ſorts, as followeth. Sect. 460.

A Surrender of an eſtate for life.

THis Indenture made &c. Betweene G. S. of the one party, and B. D. daughter of R. D. of the other party, Witneſſeth, that whereas the ſaid B. D. is, and ſtandeth ſeiſed for terme of her life, by vertue of good conueiance and aſſurance in the law, of and in the ſeuerall meſuages, lands, tenements, and hereditamẽts with the appurtenances, ſituate, lying, and being in S. in the County of E. heraſter ſpecified and mentioned: that is to ſay, of and in &c. the mediate remainder thereof being to the ſaid G. S. and the heires males of his bodie lawfully begotten, with ſundrie other remainders ouer, and the remainder laſtly to the right heirs of the ſaid G. S. for euer. Now the ſaid B. D. for and in conſideration of &c. and for ſundry other good conſiderations her moouing, hath ſurrendred, granted and confirmed, and by theſe preſents doth ſurrender, grant, and confirme to the ſaid G. S. al and ſinguler the &c. before mentioned, Together with all deedes, euidences and writings whatſoeuer, which the ſaid B. or any other to her vſe, or by her deliuerie Sect. 461.

delyuery or appointment, or the said R. D. haue or hath concerning in any wise the premisses, or any part thereof. To haue and to hold &c. And also the said R. D. doth couenant &c. for him &c. as in couenants to discharge of incumbrances, *supra* 67. with all other necessarie couenants and conditions.

A Surrender to one in remainder.

Sect. 462. OMnibus &c. Cum I. K. pater meus p̄ chart̄ suam feoffamenti dedet̄ & concessit̄ mihi p̄f. T. vnum mesuag' cum suis p̄tiñ in villa de B. p̄d', situatum inter tenū R. W. ex p̄te Australi, et stratum Regiū versus Boream. Habend' et tenend' mihi p̄ term̄ vitæ meæ, Ita qd' post decessum meum, p̄dict̄ mesuagium cum suis p̄tiñ H. R. fratri meo heredibus et assign̄ suis imperpetuum remaneret. Noueritis me p̄dict̄ T. concessisse et sursum reddidisse p̄fat̄ H. fratri meo, totum ius meum et statum quę habeo pro termiñ vitæ meæ in p̄dict' mesuagio cum suis p̄tiñ: Habend' et tenend' eidem H. hæred̄ et assign̄ suis imperpetuum de capitalibus &c.

A Surrender to one in reuersion.

Sect. 463 OMnibus &c. Cum quidam I. R. de N. Mercer, p̄ chart̄ suam feoffament̄, gereñ dat̄ &c. dederit mihi p̄fat̄ K. R. totū illud ten̄t̄ &c. Habend' et tenend' dict̄ ten̄tum cum suis p̄tiñ mihi p̄f. C. R. pro term̄ vit̄ meæ, Ita qd' post decessum mei ipsius K. præd̄ ten̄t̄ &c. p̄f. I. R. et hæred' suis reuerterit, prout per dictā chart̄ patet manifestius. Noueritis me p̄f. K: R. concessisse, et sursum reddidisse ac p̄ p̄sentes concedere et sursum reddere p̄fat̄ I. R. ten̄t̄ p̄d̄ &c. ac totū ius meū et statum quæ habeo pro term̄ vit̄ meæ, de, et in eod̄ ten̄to &c. Habend' et tenend' p̄d̄ ten̄tum &c. p̄fat̄ I. R. hæred̄ et assign̄ suis, ad solū opus ipsius I. R. et hæred̄ suor̄ imperpetuū, de capitalibus dñis feodi illi⁹, p̄ seruitia inde debit̄, et de iure consuet̄ per p̄sentes. In cuius rei &c.

A Surrender vpon condition by tenant for life, to the end a recouerie may be sued against him in reuersion, and the estate for life preserued.

Sect. 464 THis Indenture &c. in the yrs. yeare &c. Betweene I. F. and I. his wife, late wife of R. L. deceased of the one partie, and C. D

on

on the other partie, Witneſeth, That where the ſaid I. F. and I. his wife, and in the right of the ſaid I. his wife doth hold for terme of the life of the ſaid I. his wife, diuers and ſundrie landes, tenements, and hereditaments in W. F. Y. and T. within the Countie of N. and being the late inheritance of the ſaid R. D. the immediate remainder or reuerſion of all and ſingular the ſaid landes and premiſſes expectant to the ſaid C. D. and to his heires, or to the heires of his bodie lawfully begotten for euer. Now the ſaide I. F. and I. his wife, as well for the conſideration in this Indenture mentioned, as alſo for the perfecting of an eſtate or conueyance to bee had and made in conſideration of a Marriage hereafter by God grace to bee ſolempnized betweene C. L. and I. D. daughter to the ſaid C. D. haue granted and ſurrendred, and by theſe preſents do grant and ſurrender vnto the ſaid C. D. and his heires, vpon condition hereafter in this Indenture mentioned, all and ſingular the ſaid lands, tenements, hereditaments, and premiſſes, before in this Indenture mentioned, and euery part and parcell thereof, And all ſuch other lands, tenements, and hereditaments, as the ſaid I. F. and I. his wife, as in the right of the ſaid I. haue, or of right ought to haue therein, for the terme of the life of the ſayd I. being the late inheritance of the ſaid R. Lord D. her late huſband, and all the eſtate, right, title, and intereſt which they the ſaid I. F. and I. his wife, as in the right of the ſaid D. I. haue, or of right ought to haue, in, or to the premiſſes, or any part or parcell thereof. To haue and to hold the ſaid lands, tenements, and premiſſes, and the eſtate, right title, and intereſt of the ſaid I. F. and the ſaid I. his wife, in, and to the ſaid lands, tenements, and premiſſes, vnto the ſayd C. D. and his heires. Vpon condition, that if the ſaid C. D. doe not well and truly content and pay, or cauſe to be well and truly contented and paied vnto the ſaid I. F. and I. his wife, or their aſſignes, the ſumme of 1000. li. of &c. (As in clauſes of paiment) That then and from thenceforth this preſent grant and ſurrender to bee vtterly voide and of none effect. And that from and after ſuch default of paiment of the ſaid ſume of 1000. li. at the time and place aforeſaid, it ſhalbe lawfull, to, and for the ſaid I. F. and I. his wife, and their aſſignes, to enter into all the ſaid tenements and premiſſes, and the ſame to haue againe, repoſſeſſe, and inioy, as in their former eſtate. And the ſaid C. D. doth couenant and graunt, for him, his heires, executors, and adminiſtratours, and euerie of them, to and with the ſayd I. F. and I. his wife, that he ſhall permit and ſuffer the ſaid I. F. and I. and their aſſignes, to take the rents, iſſues, and profites of the ſaid landes and premiſſes to their

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owne vse, without any account thereof making, vntill the feast of S. Martin &c. which shall shalbe &c. 1594. if the said I. the wife do so long liue. In witnesse &c.

A Surrender of Leases for yeares.

Sect. 465. TO all Christian people to whom this present writing shall come, R. A. and I. R. send greeting in our Lord God everlasting. Whereas by Deede indented, bearing date &c. made between T. W. deceased, and M. then his wife of the one partie, and the said R. A. on the other partie, the said W. did demise, grant, and to ferme let to the said R. A. their manor of H. R. with their appurtenances, lying and being in H. in the said Countie of &c. To haue and to hold the said manor, and other the premisses, to the said R. A. his executors &c. from the feast of Saint Michaell &c. then next insuing, vntill the end and terme of xxj. yeares then next &c. fully to bee complete and ended, as by the sayd deede indented it doth plainely appeare. And where also by deede indented, bearing date &c. made betweene the said T. W. and T. S. and the said R. A. &c. the said W. and T. S. did demise, graunt, and to ferme let vnto the said R. A. all those their woods, vnderwoodes, lands &c. To haue and to hold the said woodes and vnderwoodes &c. vnto the said R. his executors and assignes, from the feast of &c. next insuing the date of the last recited deede indented, vntill the end and terme of one and twentie yeares then next insuing. Except and alwaies reserued vnto the said W. T. and to their heires, all manner of timber trees, and trees like to proue timber trees, of what yeares or growth soeuer they were then growing, in, or vpon the premisses, as by the same deede indented last recited it doth and may appeare &c. The estate and interest of the which said R. A. in the said lands, tenements, meadowes, pastures, and feedings, graunted by the said recited deedes indented the said I. R. now hath. Know yee now, that the said R. A. and I. R. for diuers considerations them moving, haue giuen, graunted, and surrendred, and by these presents doe giue, graunt, and surrender vnto T. W. and T. S. all their right, estate, interest, and terme, and all the right, estate, and terme of either of them, that they, or either of them had, haue, or ought to haue, of, in, or to the said manor of H. R. and other the premisses demised, graunted or letten to ferme by the first recited deede indented. Except alwaies and foreprised to the said R. A. his executors, administrators, and assignes, during the terme of the said last recited deede indented, all the right, title, interest, estate, and terme, that hee the said R. A.

now

now hath, may haue, or ought to haue, in, and to the said woods, vnderwoods, and other the premisses demised vnto the said R.A. by the last recited deed indented, to be had and inioyed to the said R.A. his executors &c. according to the tenor and forme of the said last recited deede indented.) To haue and to hold the said manor of H.B. and other the premisses by these presents, granted and surrendred, with their appurtenances (except before excepted by these presents) vnto the said T.W. and T.S. their heires and assignes for euer. And the said R.A. and I.R. for them, and either of them, and the executors and administrators of euery of them, do couenant and grant, to, and with the said T.W. and T.S. and the heires, executors or assigns of euery of them, that the said manor of H. and other the premisses by these presents granted and surrendred (except before excepted) at the time of the making of these presents, be, and shalbe for euer hereafter clearely acquited and discharged, or otherwise saued harmeles &c. As in couenants to saue harmeles. In witnesse &c.

Releases.

What a Release is.

A Release is an instrument, whereby estates, rights, titles, entries, actions, and other things be sometimes extinguished, sometimes transferred, sometimes abridged, and sometimes inlarged, of which see these examples. Sect. 466.

A Release made to the tenant for terme of yeares.

OMnibus &c. Cum R.W. de O. teneat de pf. I. vnum tenementum cum suis pertinent q̄ idem R. inhabitat, in &c. pro termino annor̄ &c. Noueritis me pref. I. remisisse, relaxasse &c. Ita q̄ nec ego, nec hær. mei &c. Sed ab omni actione iuris, clamei &c. Datum &c.

A Release to the tenant of the free hold.

OMnibus &c. T.R. filius & hęres C.R. armig' defuncti salutem in domino sempiternam. Noueritis me præfat̄ T. remisisse, relaxasse, & omnino pro me & hæredibus meis imperpetuum, quietum clamasse per præsentes R.D. armig' in sua plena & pacifica possessione existent̄ Sect. 467

exiſten, hæred & aſſign ſuis imperpetuum, totum ius meum, titulum, clameum, demand & intereſſe, quę vnquam habui, hab eo, ſeu quouiſmod in futur habeꝛ potero vel poterint hęred mei, de, & in maneꝛ de R. in com K. cum omnibus terꝛ, teńtis &c. Ita viz. q nec ego p̄d T. nec hæred mei, nec aliquis alius p nos, ꝑ nobis ſeu nomine noſtro aliquod ius, titul, clameū, demand ſeu intereſſe, de aut in p̄d maneꝛ de R. cum omnibus, terꝛ, teńtis, &c. neq in aliqua parte ſeu parcella eorundem, de cætero clamare vel vendicare poterimus nec debemus quouiſmodo in futur, ſed ab omni actione iuris, tituli, clamei, demandi, & intereſſe, & eiſdem penit' excluſi imperpet per p̄ſentes. Et ego vero præd T. & hæredes mei præd maneꝛ de R. cum &c. præf. R. D. hæred & aſſign ſuis contra me & hæred meos, ac contra oēs & ſingulas al perſon ſiue p̄ſonas legitim̄ habent & clam̄ ſiue exigen, ſeu qui impoſteꝛ legitim̄ habeb. clamabunt ſiue exigent, præmiſſ. cum pertin, aut aliquam inde parcel, aut aliquid iuris, tituli, ſtatus, intereſſe, ſeu aliquid aliud, de, in, vel ex præmiſſ. cum pertin, aut de, in, vel ex aliqua inde parcel, de, per, vel ſub me præf. T. R. vel aſſign meis, warrantizabimus & imperpet defendemus per pręſentes. In cuius &c.

A Releaſe of right, or intereſt in land.

Sect. 468. OMnib' &c. A. M. vidua relict T. M. nup de S. in Com N. defunct, adminiſtratrix bonoꝛ & catall quæ fuerunt T. tempore mortis ſuæ, ſalut in dom̄ ſempiteꝛn. Sciatis me præf. A. pro quadā pec' ſumma mihi p H. M. de S. præd' filiū meū pręmanibus ſoluta, & impoſteꝛ ſoluend, Remiſiſſe, &c. *vt ſupra.* Ita q nec ego &c. Sciatis inſuper me p̄f. A. M. remiſiſſe, relaxaſſe, & omnino ꝑ me & hæred & execut meis imperpet quiet clamaſſe per præſent præf. H. M. hęredibus & exęcut ſuis oēs & omnimod actiones, ſect, quęrelas, debita, compota, tranſgreſſ. detentiones & demanda quæcunq, quæ, vel quas verſus ipſum H. vnquā habui, habeo, ſeu quouiſmodo in futurū habere potero virtute adminiſtrat p̄d, ſeu aliter quocunq modo, ab origine mundi, vſq in diē confectionis præſentium. In cuius &c.

A Releaſe to the vendee.

Sect. 469 OMnibus &c. I. L. de &c. Cum C. F. de N. habuerit & perquiſierit de me præf. I. vnum tenementum in N. in parochia bꝛatæ Mariæ

Marię virginĩ, in altovic' seu platea. Habend & tenend eid C. hær & assignẽ suis imperpet, put p chart feoffamti per me eid C. inde confect cui° dat &c. pleni° apparet. Noueritis me pd I. remisisse, relaxasse, & omnino p me & hẽr meis imperpet quiet clamasse pf. C. hær & assignẽ suis, totũ ius meũ, clameum &c. Ita viz. In cui° &c.

A Release by the Mortgager.

OMnibus &c. Noueritis me præf. &c. p psentes remisisse, relaxas. &c. R. W. de O. hær, & assignẽ suis imperpet, totũ ius &c. in vno tenemto in O. cum suis ptiñ quę nup habui ex dono & feoffamto pred R. in O. p modũ morgagij p xx. l. & quas mihi iã soluit & satisfecit, p quidẽ tentum cum suis ptiñ idẽ R. W. in sua plena possessiõ iam habet. Ita viz. p nec ego &c. In cuius rei &c. Sect. 470.

A Release of all actions.

NOuerint &c. remisisse, relaxasse, et omnino p me et hẽr meis imppet quiet clamasse I. H. de B. &c. omnes et omnimod actiones tã reales q̃ psonales sect querel debit exec' transgr et demand quas vel quæ vnquã habui, habeo, seu in futur quouismodo hẽre potero versus pd I. H. ratione aut causa quacunq ab origine mundi vsq in diem confectionis præsentium. In cuius &c. Sect. 471.

A Release of a Quare impedit.

TO all faithful people to whom these presents shal come, to be heard, read, or sene, I. S. of D. in the county of C. sendeth greting in our Lord God euerlasting. Whereas suite and controuersie hath heretofore bin moued and depending betwen I. I. on the one party, and the reuerend father in God W. Bishop of C. on the other party, for, and concerning the collation of one R. C. clerke, in and to the church of T. in ỳ said county of C. for and concerning the which presentation, one Quar imp was brought by thaforenamed I. S. against the said reuerend father W. Bish. of C. and wheras by the mediation of the right honorable sir H. S. order hath bin taken, in and cõcerning the premisses, and all matters and things concerning the same. Now know ye, ỳ the said I. S. in accomplishment, and according to the said order hath remised, released, and for euer quit claimed, and by these presents doth fully, frely and absolutely, remise, release, and for euer quite claime to the said reuerend Sect. 472.

Father in God, W. Bish. of C. and to R. C. and to either of them, their executors and administrators, aswell the said action of Quare impedit, and all and all maner of disturbances, causes, matters, and things concerning the church, or advowson of T. aforesaid, as all other actiõs, suits quarrels, debts, trespasses, controversies and demands whatsoever, had made, moued, stirred, or depending, betwæn the said parties, or any of them, at any time or times, before the date of these presents, of all which actions, quarels, suits, controversies, and demands aforesaid, the said J. S. for himselfe, and heires, couenaunteth and graunteth to and with the said W. Bishop, and R. C. their executors &c. and at all times hereafter, wel and sufficiently to acquite, or discharge, or saue harmeless the same Bishop, and R. C. the executors and administrators of them, and either of them by these presents, In witnesse &c.

A Release of a Communication of matrimony.

Sect. 473. THis bill made the 1. day of &c. in the &c. Wheras a Communication of mariage hath heretofore bin moued, and had, betwæne S. T. on thone partie, and J. C. of thother partie, and that the same taketh none effect, for that the said S. T. cannot obtaine and get the good will of their friends and kinsfolks, at whose hands such portion of money as to her of right appertaineth, is to bee received, Witnesseth, that I the said J. C. do hereby testifie and protest vnto the world, as well for mine owne discharge as his, that no dishonest nor vnlawfull act, hath at any time bin committed betwæne vs nor any contract of matrimony had or made at all betwixt vs, but that euery of vs may lawfully at our wils and pleasure marie elswhere by God and mans laws. In witnes &c.

A Release of an appeale.

Sect. 474. THis Indenture &c. Betweene Y. Y. of &c. and R. E. of &c. Witnesseth, that where R. E. standeth indicted and appealed, of and for the death and killing R. Y. and thereupon diuers suits and protes are depending and haue beene awarded against the said R. E. Now the said Y. doth remit, remise, and clerely and absolutely for him and his heires release to the said R. E. all appeales, suites, and demands, and other actions whatsoeuer: And further the said Y. Y. doth couenaunt &c. that where the said Y. Y. hath commenced an appeale against the sayd R. E. and others, of and for the death of the said R. Y. his brother deceased: That neither hee the saide Y. Y. nor W. Y. and R.

Y.

Y. nor any of them, nor any other for them, or in their names, nor by their meanes, aduice, knowledge, assent, or procurement of any of them, shall from henceforth prosecute or follow the said Appeale, or any proces thereupon depending against the said R. And for the better determining of the said appeale against the saide R.E. hee the said Y. Y. doth couenant to make one retrarit, of, and vpon the said appeale at any time when hee shall be thereto required by the said R.E. or by any for him or in his name. And moreouer the said Y.Y. W.Y. and R.Y. doe couenaunt &c. that neither the said Y.Y. W.Y. and R.Y. or any of them, nor any their friends, kinsfolkes, or allies, nor any other person or persons for them or any of them, or by the meanes, consent, aduice, knowledge or procurement of them or any of them, shall do, suffer, or cause to bee done or suffered any act or acts, or thing whatsoeuer, for the further suing, troubling, vexing, or indangering of the said R.E of or for the death or killing of the said R.Y. nor shall not giue or procure to be giuen any euidence, or other proofe against the said R.E. for the death or killing of the said R.Y. In consideration of which said agreement, conclusion, and of all and singular other the premisses to be well and truely obserued and kept on the part and behalfe of the said Y. Y. W.Y. and R.Y. and euery of them their friends and kinsfolkes, as the said R.E. doth couenant for him, his heirs and administrators with the said Y.Y. &c. to pay or cause to be paied to the said Y.Y. &c. expressing the summe and place of payment. In witnesse &c.

A Release betweene ioint Lessees.

VNto all Christian people to whom this present writing shall come, Sect. 475
I.D. R.B. and Y.E. &c. sendeth greeting: Whereas the collegiat Church of the blessed virgin of Southwell in the countie of N. by their Indenture of lease bearing date &c. did amongst other things, demise, grant, and to farme let vnto Y.C. deceased, all that their manour or lordship of R. in the county of Y. with the scite and circuit of the same manor, and all and singular their other lands, tenemẽ's &c. in ỹ said coũty of Y. being part, parcell, or member of the said collegiat church of S. or reputed, taken or knowne to be any part, parcell or member of the same, or of the said manor or lordship, or any of them, or any part or parcel therof, with all and singular their appurtenances, vnto the said Y.C his executors and assigns, for the terme and space of &c. as by the said indenture of lease more at large it appeareth. By force whereof the

said H.C. was lawfully possessed of the said Manor of L. and premisses accordingly. And so being thereof possessed made his last will and Testament in writing, and thereof did constitute and make G.C. &c. and E.C. then wife of the said H.C. his executors, and after dyed. After whose death the administration of all the goods and cattels of the said H.C. was committed to the said G.C. and E.C. according to the Ecclesiasticall Lawes of this Realme, by force whereof the said G. and E. were thereof lawfully possessed, and the same had and enioyed. And they so being thereof possessed by their Indenture bearing date &c. did give, graunt, assigne, and set ouer vnto the said I.D. R.B. H.C. and I.N. of &c. all their whole estate, interest, and terme of yeares then to come, of and in the said manors, lordships, lands, tenements and premisses with the appurtenances (the role Mine excepted) together with the said Indenture of lease made to the said I. D. R. B. &c. at large appeareth. The intent and true meaning of which said Indenture made by the said G. and E. as is aforesaid, was meant and intended that the said I.D. R.B. H.C. and I.N. and euerie of them should haue and inioy severally their Farmeholdes or Tenements in their severall tenures and occupations. And that the residue of the said Manour and Premisses should bee divided amongst them. Now therefore know yee vs the said I.D. R.B. and H.C. for the accomplishing and fulfilling of the true meaning and intent of the said conueyance made by the said G. and E. as is aforesaid, to haue remised and released, and by these presents doe clerely remise and release vnto the said I. N. his executours and assignes all our estate, right, title, terme of yeares, and demaund which we haue or of right ought to haue of, in or to all that one tenement &c. now in the tenure or occupation of the said I.N. and of, and in all other landes and hereditaments which bee assigned and appointed and set forth to him. And wee the said I.D. R.B. and H.C. do couenant and graunt for vs our executors, administrators, and assignes, and for the executors, administrators, and assignes of euerie of vs, to and with the said I. N. his executors, administrators, and assignes, That wee the saide I.D. R.B. and H.C. our executors, administrators, and assignes, shall from time to time at all times hereafter when and as often as we or any of vs shall bee thereunto required by the said I.N. his executors, administrators or assignes during the said terme of yeares, doe execute and make or cause &c. all and euery such further act and acte, thing, things, and assurance as shall be reasonable and necessarily deuised or aduised by the said I.N. or his executors or assignes, or by his

or

or their Counsell learned in the law for the further and better assurance, suretie and sure making of one estate and interest, of and in &c. now in the occupation &c. vnto the said I. N. his executors and assignes. In witnes &c.

A Release made by the feoffees to vse of them.

OMnibus &c. Nouer nos præfat N. & S. p pſentes remiſiſse, relaxaſse, et omnino pro nobis et hered' noſtris imperpetuũ quiet clamaſse I.S. de O. her et aſſign ſuis, tot ius noſtr &c. quæ aliquis nr̃ũ habet, ſeu habere poter, in omnibus illis terris et tentis quę nuper habuimus ſimul cum pd' I. in villa et in campis de I. in com Oxon, ex cõceſſ. et feoffament dñi I. B. Capellani, et N. D. de I. præd', in quorũ quidem terris et tentis idem I. S. iam exiſtit in plena poſſeſ. Ita viz. q̃ nec nos pręf. &c. In cuius &c. Sect. 476.

A Release in performance of an award.

OMnibus &c. A. B. et C. D. ſalutem. Sciatis q̃ cum diuerſæ lites motæ fuer int nos præfat A. B. et C. D. ex pte vna, et quendam T. P. ex parte altera, de et ſuper ius. titulũ, intereſſe, et poſſeſſion omniũ et ſingulorũ meſuagiorũ &c. quæ fuer in tenura et poſſeſſion E. F. ſup quę nos p̃fat A. B et C. D. ad ſpecialem inſtantiam et requiſitionem amicor noſtror comprimiſ. et ex vnanimi aſſenſu noſtr ſubmiſ. nos ipſos in arbitrium ordinat et iudiciũ quorundam E. G. et W. F. armig' tam de et ſuper iure, et titulo dictor meſuag' &c. quam de et ſup omnibus actionibus perſonalib' et realib' ante hæc inter nos motis et habitis ſup p̃miſſis ſeu eorũ aliquam pcellam concernent ſeu tangent. Sciatis nos præfat A. B. et C. D. in complementis cuiuſd' arbitrij, ordinationis ſeu iudic' predict' p p̃fat arbitrat ante datũ pręſent ex communi aſſenſu nr̃o fact', et inſcript indent nobis tradit, put tenemur, remiſiſſe, relaxaſse &c. *vt ſupra.* Sect. 477.

A Release of amerciaments.

BE it knowne vnto all men &c. That I G. L. of &c. Farmer of the profits of the court of the manor of M. in &c. haue remiſed, releaſed and quite claimed, and by theſe preſents doe remiſe &c. vnto W. S. of M. in &c. all and all maner of fines, forfeitures, and amerciaments, afferred vpon the ſaid W. S. at any Courts, Leetes, or court Barons Sect. 478.

of the manor of R. aforesaid, holden within the said manor at any time or times before the date hereof. In witnes &c.

A Release of the peace.

Sect. 479. MEmorand' q; tertio die Nouemb. anno regni dom nostr' El. decim tertio &c. venit coram me W. M. apud G. in com p̄d, vno Iustic' dict' dominę reginæ ad pacem conseruand' in com prędt I. C. & pacē quam habet versus I. C. in com p̄d penitus remisit, & relaxauit &c. *vt supra.*

A Release from the recoverors in a writ of Entre.

Sect. 480. OMnibus &c. W. M. & I. B. salut' in dom sempiternā, cum nos p̄f. W. & I. nup recuperauimus coram Iustic' dn̄æ regin̄ de coīb̄us placit' apud Westm̄ p breue dict' dn̄æ reginæ de ingressu in le post vers. F. F. viduā & I. F. vnum mes. &c. cum pertin̄ in C. in com N. prout inter placita irrotulat' corā I. D. milite & socijs suis Iustic' dict' dn̄ę reginæ in termin̄ sancti H. anno regni eiusdem dn̄æ regin̄ Rot Cli, plenius liquet & apparet. Et p eo q; recuperatio p̄d habit' fuit ad solū & propriū opus & vsum ipsorū F. & I. F. & hæred' ipsi' I. Ideo in consideratione inde, Sciatis nos p̄fat' W. M. & I. B. remisisse, relaxasse &c. as in a generall release. In cuius &c.

A Release of errors.

Sect. 481. OMnibus Christi fidelibus ad &c. salutem, Sciatis me p̄f. G. B. pro &c. remisisse, relaxasse, & omn̄ p me & hæred' meis imppet' quiete claim̄ p̄fat' F. R. & hær' suis totū ill' annuale redditū meum 7. s. ac omnes alios redd' quoscunq; exeunt' de terr', tent̄is, & hæreditamentis in B. &c. Ac insuper sciatis me p̄fatū G. B. remisisse &c. p̄fat' F. R. totū ius, titul', statū, interesse, & demand' quæ habeo aut clamare poter' aut poterint hæred' mei de, & in pred' terr', tent̄is & hæreditaments in C. &c. Ac etiā omnes action̄ & breuia de errore, & erroribus & oēs errores quoscunq; quos ego &c. aut hæredes mei habere aut prosequi potui seu possumus versus prędt F. R. aut assign̄ suos. In cuius rei &c.

A

A Releaſe generall.

NOuerint vniuerſi p̄ ſentes me V.B. Militem, remiſiſſe, relaxaſſe, & omnino p̄ me, hęr, executorib⁹, & aſſign̄ meis imperpet̄ quiet̄ claim̄ T.H. &c. omnes & omnimod̄ actiones, tranſgreſſiones, ſectas, q̄-relas, debit̄, debat̄, executiones, & demand̄ q̄cunq; quæ habeo, habui, ſeu quouiſmodo in futur̄ habere poter̄, ab origine mundi vſq; datum p̄-ſentium. In cuius &c. Sect. 482.

Acquitances.

An Acquitance for the redemption of lands morgaged.

BE it knowne vnto all men by theſe preſents, that I I.L. of L. gent. haue receiued and had this preſent day at the font ſtone in the Cathedrall church of S. Paul in L. betweene the houres of one and foure of the clocke, at after noone of the ſame day, of W.G. of S. in the countie of E. yeoman xl.li. for the redemption, and in full ſatiſfaction of all and ſingular thoſe lands and tenements with the appurtenances, in the pariſh of S. and P. in the ſaid county of E. called P. and P. contained and ſpecified in a paire of Indentures of conenant, bearing date the xvj. day of I. in the xxx. yere &c. made betweene the ſaid W. G. on the one partie, and me the ſaid I.L. on the other party, of, for, and concerning the bargaine and ſale of all and ſingular the ſaid lands and tenements conditionally, as by the ſame Indentures therof made more at large doth appeare. Of which xl.li. in full paiment and contentation as is aboueſaid receiued, I the ſaid I.L. acknowledge my ſelfe wel and truly contented, ſatiſfied, and paid, and therof, and of euery parcel therof I clerely acquite and diſcharge the ſaid W.G. his heires and executors by theſe preſents. In witnes &c. Sect. 483

An Acquitance of an annuitie.

NOuerint &c. me I.C. &c. recepiſſe, &c. de H.R. p man̄ I.D. firmarii maner̄ de R. x.l. in p̄te ſolutionis cuiuſd̄ annuitatis xx.l. mihi ad termin̄ vitę meæ, p dict̄ H. conceſſ. Percipiend̄ annuat̄ ad terminos duos, viz. ad feſta N. & M. æquis porcionibus, de quibus x.l. fateor me content̄ & ſolutū, & ipſum H. her̄ & executores ſuos inde imperpet̄ eſſe quiet̄ per p̄ſentes. In cuius &c. Sect. 484.

An Acquitance made vpon the receit of an exhibition graunted vnto one of the Innes of the Court by a Duke.

Sect.485. THis Bill made in the &c. Witneſseth, that I C.H. haue receiued of I R.H. Receiuer generall of the high and mightie prince L. Duke of N. fiue markes sterling, in full contentation and paiment of my fée, due to me at the feaſt of S. Michael laſt paſt before the date hereof, for one whole yeare: which yerely fée the ſaid Dukes grace of his gracious goodneſſe and benevolence hath giuen and granteth vnto me the ſaid C towards my yerely exhibition in the Innes of Court. In witnes whereof I the ſaid C.H. haue written this bill with my owne &c. (Or otherwiſe) haue put to my hand &c.

An Acquitance of a Rent by a Bailife 20. die Iunij Añ &c.

Sect.486. REceiued of L.H. of &c. for his halfe yeres rent due to be paid at the Annunciation &c. laſt paſt, for Campned land in L. &c. in the county of &c. the day and yere firſt aboue written xx.s.

An Acquitance of the farme of a Benefice.

Sect.487 BE it knowne vnto all men by theſe preſents, that I C.L. Parſon of H. in the Countie of Eſſex, haue receiued and had the day of the making hereof, of I.L. ar. li. Sterling, for the halfe yeres farme of my ſaid Parſonage, to me due at the feaſt of S. Mich. tharchangell laſt paſt before the date hereof. In witnes whereof &c.

An Acquitance of a rent charge.

Sect.488. THis Bill &c. Witneſseth, That I R.E. haue receiued and had on the day of the date hereof, of L.S. of the inner Temple of L. the ſum of 4. li. of lawfull money &c. due to me the ſaid R.E. as in the right of R. my wife, at the Annunciation of the bleſſed virgin Mary laſt paſt, being the moity of a rent charge of &c. by the yere granted to the ſaid R. for terme of her life, out of the farme of B. of which ſaid ſum of 4. li. &c. of &c. ſo by me receiued, I the ſaid R. doo acknowledge my ſelfe and the ſaid R. my wife, fully ſatiſfied, contented, and paied, and of the ſaid ſum of 4. li. and of euery part thereof do acquit and diſcharge the ſaid L.S. his heires and aſſignes by theſe preſents. In witnes &c.

A

An Acquitance of money receiued to pay to another.

THis bill &c. Witnesseth, that I L.S. of &c. haue receiued and had on the day of the making hereof, of L.B. of D. in the county of W. Esquire, by the hands of &c. the summe of &c. to be paied and disbursed by me the said L.S. for the said L.B. in such sort as the same was appointed by the said L.B. to be paid and disbursed, In witnes &c. Sect. 489.

An Acquitance of a recompence of Dower.

THis bill &c. Witnesseth, that I D.B. &c. haue receiued and had on the day of the date hereof of G.H. of &c. the sum of &c. due and payable to me the said D.B. in the right of my wife at the feast of S. Mich. &c. after the date hereof, for the halfe yeres rent to her the said I. due and paiable in recompence of her dower, betwéen the said G. and the said I. of which said sum of &c. so by me receiued, I the said D.B. doe acknowledge my selfe fully satisfied and paied, and thereof, and of euery part thereof do clérely acquit, discharge, and exonerate the said G.H. his heires, executors, and administrators, and euery of them by these presents. In witnes &c. Sect. 490.

An Acquitance of part of a debt.

BE it knowne vnto all men &c. that I A.B. of B. in the county &c. haue receiued and had the day of the making hereof of R.W. of E. in the said county yeoman, 6.li. &c. due to me on the feast day of &c. last past, before the date of these presents, in part of paiment of a greater sum contained and specified in a certaine writing obligatorie, wherein the said R.W. with others stand bound vnto me: Of which 6.li. &c. (As aboue.) Sect. 491.

An Acquitance for creation money of an Earle.

NOuerint vniuersi per præsentes me G. Comitem S. administr̃ bonorum & catallorum G. nuper Comitis S. patris mei, filij et hæred' mascul' F. nuper Comitis S. recepisse et habuisse die confectionis ꝑsentiũ de T.C. armiger' nup Vicecom̃ comitat' S. xl. libr̃ bonæ & legalis monetę Angliæ, de viginti libr̃ annuis I. nup Comiti S. & hęred' suis mascul', per domiñ H. nuper Regem Angliæ sextum concess. Habend' et annuatim ꝓcipiend' de exit', ꝓfic', & reuenc' com̃ S. ꝓ manus vic' eiusd' com̃ ꝓ tẽpor' existen', ad festa Pas. & S. Mich. ꝓ equal' port'. De quibus quidem xl.li. ꝓ duob' annis finit' ad festum sancti Michael' Arch. anno regni Reginæ nunc Eliz. xxxij. fateor me prędict' Comit' fore Sect. 392.

fore ſolut, dictumq; nuper Vic' inde acquietat & exonerat per præſentes, ſigillo meo ſigillat. Dat x. die Febr, anno regni dictæ dominæ Elizab &c.

An Acquitance by a Vicar or Parſon to the Proctor.

Sect. 493. NOuerint vniuerſi &c. me A.B. Vicar Eccleſiæ parochię de S. recepiſſe & accepiſſe die confectionis pſentiũ compot finalẽ & totalẽ W.P. procurator vicariæ meæ pd, de omnib' recept, exitibus, ſolutionibus, & liberationib' præd vicar meę ſpectantibus, de toto tẽpore quo dictus W. fuit procurator meus ibid. Ita q; computat computand, & allocat allocand ipſum W. & executores ſuos de quocunq; vlteriori cõpoto ratione pmiſſorũ mihi reddend, vſq; in diẽ dat pſentiũ acquieto, libero, & exonero p preſentes. Sigillo meo ſigillat &c.

An Acquitance of Tenths and Subſidies paied to the Collector.

Sect. 494. PRæſens ſcript teſtatur, q; ego H.H. decimarũ & ſubſidiorũ dñi Regis ſuper oẽs pſonas eccleſiaſticas. & per totã Dioceſ. M. percipiend, collector & receptor general, ſufficienti authoritat Epiſcopali fulcitus & legitim conſtitut, recepi de G.W. rector de Bridel pro decimis & ſubſidijs eiuſdẽ Eccleſiæ ſuæ dicto illuſtriſſimo noſtr regi p ann dñi 1600. &c. ad feſtum Natalis dom vltimo pteritum, debit 18. ℔. de quibus quidem pecunijs fateor me ad vſum dicti dñi regis ſolut, & ipſum, & Eccl'iam ſuã prędict penitus liberam et quietam per preſentes, manu mea ſubſcriptas &c. anno &c.

An Acquitance made by an Obligee.

Sect. 495. OMnibus &c. F.S. ſalutem in Domin ſempiternam, Cum W.P. teneatur mihi præfato F. ac cuidam H.L. in decem &c. ſoluendis nobis aut vni noſtrum ad diuerſos terminos, put in quadam obligatione defeſanc' ſuper eand nobis inde confect plenius continetur. Noueritis me pfat I. recepiſſe et habuiſſe die confectionis pſentium de pfat Wilhelm viginti ſolidos &c. in parte ſolutionis x. pdict libr, viz. p termino Natal dñi pxim futur, de quibus quidem xx.s. fateor me

fore

fore solutum, dictumq; W. hær & execut inde esse quiet & exonerat per psentes, In cuius &c.

A generall Acquitance with a proviso.

THis Bill made &c. Witnesseth, that I Y. W. &c. haue remised and released vnto R. C. &c. all maner of actions, suits, debts, accompts, recognisances, and all, and all maner of iudgemets, executions, and demands which I the same Y. W. may, might, or ought to haue against the said R. C. his heires or executors, for any matter or cause whatsoeuer, from the beginning of the world vnto the day of the date of these presents. Prouided that the acquitance extend not to the extinguishmēt and determination of a certaine deed obligatorie bearing date &c. made by one I. C. and the said I. S. wherin the said S. and I. stood bound vnto one I. S. B. Y. A. B. and me the said Y. W. in the summe of &c. In witnes &c. Sect. 496.

A generall release or acquitance with a speciall Acquitance therein contained.

THis Bill made &c. Witnesseth, That I R. F. haue receiued the day of the making hereof, of T. M. and M. his wife my mother executrix of the last will and testament of E. F. deceased my father, all such iewels, plate, hangings, houshold stuffe, and all and euery other gifts, legacies, bequests, thing and things whatsoeuer they be to me the said R. F. in any wise due by reason of a gift or will of the said E. F. of the which iewels &c. vt supra, I the said R. F. do fully and clerely by this my present bill acquite and discharge the said T. M. and M. their heirs &c. And further I the same R. F. by this my present bill do clerely remise, release and quite claime for me, my heires, executors, and assignes to the said T. M. and M. and euery of them, all and all maner of actions &c. In witnes &c. Sect. 497.

An Acquitance for money due by recognisance.

THis Bill &c. Witnesseth, that I Y. G. haue receiued the day of the date of these presents of R. L. the summe of &c. in the which he the said R. standeth bound vnto me in a certaine recognisance in the Chancerie, as by the same &c. of which said summe of &c. and of euery part and parcell thereof, I the said Y. do confesse my selfe wel and truely contented, paied and satisfied, and thereof and of euery part and parcel therof do by these presents clerely acquite and discharge the said R. L. his heires, executors and administrators for euer. In witnes &c. Sect. 498.

An Acquitance for a legacie.

Sect. 499. BE it knowne &c. That wee R. C. and A. my wife, daughter &c. haue receiued and had the day of the making hereof, of C. W. and W. P. executors of the testament and last will of T. R. xl. s. of &c. in full paiment of xls. s. giuen and bequeathed by the said T. R. in his said Testament, of which said summe of xl. s. in full paiment and satisfaction of all bequests and legacies to me giuen in the said testament, wee knowledge our selues fully satisfied, contented &c. Sealed with &c.

An Acquitance of mony receiued in discharge of an annuitie.

Sect. 500 BE it knowne &c. that I A. C. of &c. sole executrix of the last will and testament of L. C. of S. &c. late my husband deceased, haue receiued the day of the date hereof of I. P. of G. in the county of L. gent. the sum of xl. li. of &c. for the full and cleere discharge and determination of one annuitie or yerely rent of 8. li. of currant &c. graunted by E. W. vnto the said L. C. my late husband, to be taken and perceiued out of the manor of M. in the said county of L. as by the deed indented therof made, bearing date the &c. which said annuitie or yearely rent of 8. li. is to be determined and extinguished vpon paiment of the summe of xl. li. by the said I. P. his heires, executors or assignes vnto the said A. C. his &c. as by the said deed indented made between the said L. C. of the one party, and the said E. W. of the other partie bearing date the day and yere aforesaid more plainely it doth and may appeare, Of which said summe of xl. li. &c. In witnes &c.

An Acquitance with a couenant to saue harmeles.

Sect. 501. BE it knowne &c. that I. I. G. of &c. haue receiued the day of the making hereof of I. P. to the vse of M. B. one stone Jugge couered and fated with siluer and guilded, and one glasse couered, fated, and also ribbed with siluer and guilded, whereof I. the said I. G. do couenant &c. the said I. P. his executors, administrators, and assignes, and euery of them by these presents clerely to acquit, exonerate, and discharge, and the said I. P. his executors, administrators against the said M. B. his heirs and assignes by these presents &c. Sealed &c.

An Acquitance made by an Atturney.

Sect. 502. VNto all men &c. A. D. sendeth greeting, know yee the said A. D. by vertue and authoritie of one writing or letter of Attur-

Attorney made to me by R. S. to haue had and receiued the day of the date hereof of C. W. &c. the sum &c. wherein the said C. did stand bounden to the said R. S. by his bill Obligatory, of which summe &c. so by me receiued, I acknowledge my selfe in the name of the said R. truely and fully satisfied and paid, and thereof and of euery part and parcel thereof do clerely acquit and discharge the said C. W. his heires, executors and administrators and euery of them by these presents. In witnesse &c.

Acquitance by Substitute or Deputie.

VNto all &c. R. R. greeting, where R. S. and so recite the first letter of attorney, And where also the said A. D. by vertue of the said letter of attorney did by his writing vnder his hand and Seale constitute and appoint me the said R. R. his lawfull deputie and substitute to alue &c. to the vse of the said R. S. And did giue me further authority to deale for him in the premisses, as by the same writing made to me by the said A. D. appeareth. By vertue and authoritie whereof now know ye me the said R. R. to haue had &c. Sect. 503.

Partition.

A Partition of lands discended.

THis Indenture made the 1. day &c. betweene P. W. Citizen of London, and A. his wife one of the daughters and heires of W. R. late of London Potter, and one of the sisters and heires of E. R. which was sonne and heire of the said W. R. when he liued on the one partie, and J. R. widow sister of the said Anne, another of the daughters and heires of the said W. R. and another of the sisters and heires of the saide E. R. and S. Citizen and Potter of London, W. W. Draper and J. B. Draper which were of late enfeoffed by the said J. of the moitie of a greater tenement or messuage &c. and set and lying together in the parish of S. B. to the vse of the said J. and her heirs on the other party, witnesseth, that it is couenanted, granted, condiscended and agreed betweene the said parties, for a partition betweene them to bee had and made of the inheritance of the said tenement and other the premisses in the said Parish which discended to the saide Anne and Joan in coparcenarie, by and after the death of the said R. as well daughters and heires of the said R. W. as sisters and Sect. 504.

and heires of the aboue named T. R. in maner and forme insuing. First it is couenanted and granted betweene the said parties and the said J. and her feoffees granted by these presents, that the said R. and A. in the right of the saune Anne, shall haue for their part and purparte of the aforesaid lands and tenements &c. three dwelling tenements of the yerely value of 4 l. In one of the which said tenements T. D. Barber now dwelleth and inhabiteth, containing in it selfe 40. foot of assise of square &c. And in the other tenement of the three dwelleth one M. A. widowe, and it containeth &c. And the third tenement is in the possession of A. R. &c. which said three tenements, with the yards, kitchins, chambers, &c. in as ample and large maner and forme as the said persons now dwelling haue or occupy, or they or any other afore time haue had or occupied. The said M. and A. as in the right of the same A. shall haue and enioy to her and her heirs, in full recompence and allowance of, and for her part, and purparty, that to her belonge or ought to belong, of all the said meases, lands, tenements &c. by, and after the decease of the foresaid M. and T. and either of them, as one of the daughters and heirs &c. And it is agreed betweene the said parties, and the said J. and her feoffees beene contented and pleased to accept and take in full recompence and allowance of, and for the part of the said J. of all the meases, lands, tenemẽts, hereditaments and other the premisses aboue rehersed, to the vse of the said J. and of her heires, one great tenement of the said three tenements containing &c. with the appurtenances, in as ample and large maner as T. C. gentleman now dwelling in the same or any other &c. And it is further fully agreed, couenanted, and granted betweene the said parties by these presents, that at all times conuenient it shall bee lawfull to either of them to enter into others part to them allotted, to do reparations and other behoues necessary vpon the meases, lands, and tenements, to them seuerally allotted, in amending, building, or repairing: or otherwise, of, and vpon their owne parts of the said landes, tenements &c. to them allotted and appointed by these presents. And ouer that it is agreed, couenanted, and granted betweene the said parties, that all annuall rents, and services due to the Lord or Lords of the fee &c. shalbe equally borne betweene the said A. and J. and their heires and assignes, inhabiters of the same tenement &c. that is to say, either of them for their part and portion afore allotted &c. In witnesse &c.

An

An Indenture of Partition of lands purchased.

THis Indenture &c. witnesseth, That whereas one L. B. and the Sect. 505.
said L. B. iointly purchased to them and their heires for euer, of
one L. D. of &c. diuers messuages, lands, &c. with the appurtenances
situate, lying and being in D. &c. And whereas afterwards in the life
of the said L. B. viz. the xvi. day of M. &c. full and perfect diuision,
separation, and partition of all the said messuages &c. and of all their
estate in the same, was had and made by, and betweene the sayd L.
B. and L. B. being both then present, at, in, and vpon the said me-
suage &c. with the appurtenances in manner and forme following,
that is to say, That the said L. B. should haue and enioy to him and
his heires for euer, quietly from the said L. B. and his heires diuided
in seuerally, and not in iointure for his full and whole mottie, part,
purpartie, and portion of all and singular the said messuages &c. and in
allowance and recompence thereof, one house in D. in the tenure &c.
with three doles &c. one other house &c. And that the said L. B. should
haue and inioy to him and his heires for euer quietly from the said L.
B. and his heires for euer, diuided in seuerally, and not in iointure,
for his full and whole mottie, part, purpartie and portion of all and sin-
gular the said messuage &c. and in full allowance, satisfaction, and re-
compence thereof, one house &c. Neuertheleſse for as much as some
question, variance, and contention hath lately risen betweene the said
parties touching and concerning the quiet occupation of some part of
the premisses: for the appeasing whereof, and for the extinguishment
and vtter auoiding of all ambiguities, doubts, variances, and contenti-
ons, which hereafter might chaunce to arise, and sure confirmation
of the said partition so made as is aboue said: And for a perfect and
absolute partition and diuision to bee made of such parts and portions
of the said messuages &c. as yet remains vndiuided (if any such be) it is
couenanted, graunted, promised and agreed, by, and betweene the said
L. B. and the said F. and A. their heires, executors, and administra-
tors, and euery of them by these presents in maner and forme follow-
ing, that is, the said F. and A. for themselues, and the heires &c. of
the said F. doe conenant, grant, promise &c. to and with the said L. B
his heires &c. that he the said L. B. his heires and assignes, and euery
of them for euer, shall or may haue, holde, and quietly enioy from the
said A. and F. and either of them, and the heires of the said F. for e-

uer-

uer, diuided in seueraltie and not in iointure, for his full and whole moitie, part, purpart, and portion of all and singular the said messuages &c. so by them the said T.B. and L.B. iointly purchased, as is aforesaid and in full recompence and satisfaction thereof, and of euery part thereof all and singular the said messuages, cottages, lands, and tenements, with the appurtenances, and euery part thereof, aboue by these presents recited, and to bee allotted, appointed, or set forth for the moitie, part, purpart and portion of the said T.B. in, and by the said former partition, cleerely acquited, discharged, and saued harmelesse, of, and from all manner of bargaines, sales, gifts, grants, alienations, leases, mortgages, iointures, powers, statutes, bonds, recognisances, rents, seruices, arrerages of rents and seruices, annuities, intrusions, fines, forfeitures, issues, amerciaments, iudgements, condemnations and incumbrances whatsoeuer, &c. And the like couenants and grants on the other side, with couenants on either party for further assurance &c.

Partition amongst 4. Parceners.

Sect. 506. THis Indenture Quadripartite made &c. Betweene H.L. and M. his wife on the first partie, C.H. and K. his wife on the second partie, N.H. and A. his wife, late wife of M.S. deceased on the third partie, and T.H. and M. his wife on the fourth partie, Witnesseth, that where the manors, lands, tenements, and hereditaments late of K.H. as in the right of A. his wife contained and specified in foure scedules indented annexed to these Indentures, are discended and come to the said N. now the wife of the said H.L. and K. now the wife of the said C.H. to A. now the wife of the said N.H. and to M. now the wife of the said T.H. as daughters and heires vnto the said A. And whereof there hath beene partition seuerance and allotment seuerally made amongst themselues by assent of their friends, of all the said manors, lands, tenements and hereditaments betwixt the sayd H. and M. his wife, C. and K. his wife, N. and A. then his wife, now wife of the said N. and T. and M. his wife according to the lawes of this realme, and euerie of the said husbands and wiues haue thereby a fourth part of the premisses, as was set downe in writing, as equally as might be, by them and their friends before the same so seuerally came to any of the said husbands and their wiues by ye said partition and allotment: The contents of w^ch writing purporting the seuerall parts

porti-

poꝛcions, and purparties of the ſaid parties is contained in foure ſcedules indented hereunto annexed. And now the ſaid Y.L. and M. his wife, C.Y. and B. his wife, N. Y. and A. his wife, and T.Y. and M. his wife, and euery of them foꝛ themſelues and their heires, doe couenaunt and graunt by theſe preſents, foꝛ the better coꝛroboꝛation and confirmation of the ſaid partition made, agreed, and aſſented to, in ſuch maner and foꝛme, as it was to, and with euerie the other of the ſaid parties and their heires, to ſtand to, and agree to the ſame partition and allotment ſo made, and to permit and ſuffer the ſame to ſtand, remaine, and abide in full ſtrength and foꝛce foꝛ euer. And that euery of them and their heires, not all onely to hold themſelues contented with the ſaid partition, and ſuch part, poꝛtion, and purpartie, as to them is aſſigned, oꝛ come, oꝛ happened in ſeueraltie to bee holden, by reaſon of the ſaid partition oꝛ allotment, but alſo that euerie other of the ſaid parties and their heires, ſhall haue and hold ſuch part, poꝛtion, and purpartie, as to them oꝛ any of them is aſſigned, commen, oꝛ happened in ſeueraltie to bee holden by reaſon of the ſame partition oꝛ allotment, whereof they, oꝛ any of them the day of the date hereof are ſeiſed in ſeueraltie, by reaſon oꝛ colour thereof. And further, the ſaide &c. vt ſupra, couenanteth and granteth, to and with euery other of them ſeuerally, their ſeuerall heires and executoꝛs, that euerie of the ſaid parties his wife and heires, foꝛ whom he oꝛ any of them couenaunteth by theſe Indentures, ſhall as farre as in them, oꝛ any of them lyeth, oꝛ ſhall lye, oꝛ be, and at ſuch time and times as the law will ſuffer, admit, and accept, during three yeares next enſuing the date hereof, do, cauſe, knowledge, and ſuffer to be done, all and euery ſuch thing and things, act and acts, be it by fine, recouerie, releaſe, confirmation, this deede oꝛ any other to be inrolled, oꝛ otherwiſe, as ſhalbe reaſonably aduiſed oꝛ deuiſed, foꝛ the full and perfect aſſurance of the ſaid ſeuerall poꝛtions and purparties, to make ẏ ſaid partition perfect and firm, and to indure foꝛ euer, accoꝛding to the due oꝛder of the law, and accoꝛding to the intent and true meaning of the ſaid parties. And furthermore, the ſaide &c. vt ſupra, ſeuerally couenant and graunt, to and with euerie other of them their ſeuerall heires oꝛ aſſignes, that they ſhall oꝛ may haue and inioy their ſaid ſeuerall poꝛtions and purparties of the premiſſes fallen oꝛ happened by their ſaid partitions oꝛ lot, oꝛ in their ſayd ſcedules hereunto annexed contained, from time to time foꝛ euer diſcharged, acquited, oꝛ ſaued harmeleſſe, of all foꝛmer bargaines, ſales, leaſes, charges, and incumbꝛances, had, made, done, oꝛ ſuffered by any of them, chargeable, oꝛ to bee charged hereafter, oꝛ intended to bee charged oꝛ

chargeable by this couenaunt. And that euerie of the said Coparceners, their husbands, and heires, shall permit and suffer the other their heires and assignes, to haue, take, and enioy all euidences, deeds, and writings, onely concerning such manors, lands, tenements, and hereditaments, as is so allotted to any of the said coparceners in partition, and the true copies of all other euidences and writings concerning their said portions and purparties to them allotted, or any part thereof and any other lands or tenements, at the costes of the writing of such copies of them that will demaund the same, the deliuerie of such euidences, deedes, writings, and copies to bee made within the space of two yeares next after the demaund thereof. Moreouer the said &c. that is to wit, euerie of the said parties seuerally for themselues and their heires, executors, and assignes, couenanteth and graunteth, to and with euerie of the other of the said parties seuerally, their heires, executors, and assignes, that euerie of the said parties, his wife and their heires, for whom hee or any of them couenaunteth by these presents, shall permit and suffer peaceably and quietly euery one of the other said parties or coparceners, their heires, executors, and assignes, to haue free ingresse, egresse, and regresse, way and passage, into, and from their seuerall portions, parts, and purparties of the premisses contained in the said scedules hereunto annexed, to the which they cannot come or haue passage through their owne ground to them, as aforesaid allotted, from the common way, in, by, and through such ground and part of the premisses, to any other of the said coparceners allotted or fallen by the said partition, as shall most conueniently serue for the same way and passage, and as may be least hurtfull to them of the said parties, ouer any part of whose portion, part, or purparty of the premisses such passage or way shall be had or made. In witnes whereof to the first part of these Indentures towards the said H.L. and M. his wife remaining, the said T.H. and R. his wife, T.H. and A. his wife, and T.H. and M. his wife, haue set their seales &c. to the second part of these Indentures &c.

In this scedule indented Quadripartite, is contained and specified the part, portion, and purpartie of the manors, landes, tenements, and hereditaments late of R.H. as in the right of A. his wife, which by partition, seuerance and alotment did fall, and were allotted to H.L and M. his wife.

Inprimis the kitchin and boulting house &c.

Item a Close called water Croft &c. And so of euery of the said Coparceners.

A Partition betweene Coparceners.

THis Indenture made &c. Betweene R.G. of &c. and A. his wife on the one partie, and E.S. and E. his wife on thother partie, Witnesseth, that where diuers and sundrie messuages, landes, tenements, and hereditaments in S. and T. &c. bee descended and come to the said A. and E. as to the two daughters and one heire of W.T. their father deceased, since whose death the said A. hath taken to husband the aforesaid R.G. and the said E. and the said E.S. who haue holden and inioyed, and yet doe hold and inioy the said messuages, landes, tenements, and hereditaments in coparcenarie, as in the right of the sayd A. and E. Now the said parties for diuers good causes and considerations them specially moouing, haue made partition, seperation, and diuision of the premisses, and by these presents doe make diuision, partition, and separation of all the said lands, tenements, hereditaments, and other the premisses, in maner and forme following. First, it is couenanted, granted, concluded, and agréed betweene the said parties: And the said E.S. and E. his wife, for themselues, their heires, executors, and administrators, do couenant, grant, conclude, condescend, and agrée to and with the said R.G. and A. and the heires of the said A. and his heires and assignes by these presents, that they the said R. and A. and the heires of the said A. shall haue, occupie, and inioy for his and their part, purpartie, and portion, of all the said messuages, lands, tenements and hereditaments in S. and T. aforesaid, one messuage &c. and rehearse all the parcels. And also all such other messuages &c. whatsoeuer they bee in S. aforesaid, which by any way or meanes are descended and come vnto the said A. and E. from the said W. their father, A like couenant that E. S. and E. shall inioy the landes in T. with a couenant on either part to make further assurance. And forasmuch as the landes, tenements, and hereditaments in T. aforesaid, set forth and allotted for the part, purpartie and portion of the said E. and her heires, and is to be assured vnto the said E. and E. his wife, and to the heirs of the said E. according to the couenants in the Indenture, doe amount to a more yerely summe or rent than the said lands, tenements, and hereditaments in S. aforesaid, set forth and allotted *vt supra*. The said E. and E. his wife, for themselues, their heirs, executors, and administrators in consideration thereof, doth by these presents couenaunt to pay the said R. and A. ten shillings of lawfull &c. In witnes &c. Sect. 507.

A Partition betweene Iointenants.

Sect.508. THis Indenture tripartite made &c. Betweene A.B. and C.A. of the first partie, and B. of the second partie, and C. of the third partie Witnesseth, that it is couenanted, granted, and agréed betweene and amongst the said parties, and euerie of them for himselfe, his heires, executors, and administrators, by these presents doth severally couenaunt, graunt, and agrée to and with thother, his heires and executors in maner and forme following. First, that where the parties before this time haue iointly bought to them and to their heires of A.B. the manor of S. &c. for the purchase whereof the said parties haue and must pay the summe of &c. Now it is couenaunted, granted, and agréed betwéene the said parties, and the true intent and meaning of euery of thé is, that for asmuch as euerie of the parties aboue mentioned doth and must pay the full and whole third part of the said summe of money aboue mentioned, That if it shall fortune (as God forbid) any of the said parties aboue named to die before any partition or severance to bee had or made amongst them, shal haue, occupie, and receiue all rents, profits, and commodities of the said manor and other the premisses, in as ample and large maner and form, as he or they should haue done, if hée or they that shal so die, had lived and bin living. Furthermore, it is couenanted, granted, and agréed betwéen and amongst the said parties, that if it bee, that one or two of the said parties shall happen to die before partition or severance made of the premisses: That then hee or they that shall survive, and his or their heires at all time and times within 3 yeares next after the death of him or them that shall so die, shall doe and suffer to be done, all and euerie such thing or things, act or acts, for the assurãce and sure making of the third part of the said manor of S. with thappurtenances, to the heires and assignes of euery of them, that so shall fortune to die before partition, as shalbe reasonably deuised or aduised by the said heirs of him or them that shall so die, or by his or their learned counsell, be it by fine &c. or otherwise, at the costs and charges in the law of euery such person or persons that shall require any such assurance. And so other couenants as is agreed.

Partnership.

Societie or Ioint occupying.

Sect.509. THis Indenture &c. Betweene I.L. and C.M. Citizens and Haberdashers of L. on the one partie, and I.B. and R.I. of the same Citie Grocers on the other partie, Witnesseth, that whereas

whereas at the day of the making hereof, it is accorded, couenaunted &c. betwéen the ſaid parties, and either of the ſame parties, by himſelfe, for his owne part couenanteth for himſelfe &c. to the other, that they and either of them ſhall iointly as partners occupie together, aſwell in buying, as ſelling of all maner goods, wares, and Marchandizes, as by factorſhip, alienation, exchange, and otherwiſe, aſwell beyond the Sea, as on this ſide, viz. from the day of the making hereof, vnto the end and terme of fiue yeares then next following, and fully to bée complete and ended, during which time or terme, either of the ſaid parties ſhalbe iuſt, faithfull, and true to the other in buying and ſelling, and otherwiſe, as is aforeſaid. And all ſuch lucre, profit and increaſe, gaine, aduantage, and winning as ſhall come and grow in buying and ſelling, any goods, wares, or Marchandizes, and otherwiſe, during the ſaid terme, ſhalbe equally parted and diuided betwéene the ſaid parties, viz. either of them to haue his iuſt and true portion or part of the gaines aforeſaid, and at all times within the ſaid terme when it ſhall pleaſe eyther of the ſaid parties to giue admonition or warning to other, then either of them to make other a iuſt and true reckoning and accompt of the buying and ſelling of all maner wares, goods, Marchandizes, and otherwiſe, as is aforeſaid, and of the increaſe and aduantage that ſhall come and grow of the ſame. And alſo it is couenanted and agreed betweene the ſaid parties, that if either of the ſaid parties at any time within the ſaid terme, happen to loſe by debts, caſualtie, or otherwiſe, any part or parcell of the occupying in buying and ſelling of any goods, wares, and marchandizes, or otherwiſe, in maner and forme as is aforeſaid, ſo that it be not by negligence, colour, or fained pretence, and that immediately proued, that the ſame loſſe bee borne equally betwéene either of the ſayd parties. And alſo it is couenanted, concluded and agréed betwéen the ſaid parties, and either of them for his own part permitteth, couenanteth, and granteth to the other, that if any of them within the ſaid terme, which at this preſent time are not eſpouſed, happen hereafter to eſpouſe and marrie a wife: that then forthwith it ſhalbe at the will and pleaſure of the other, whether the party ſo eſpouſed or married ſhall any longer continue as partner, according to the tenor and forme aboue rehearſed. And alſo it is agréed, that if either of the parties happen (as God defend) at any time within the ſaid termes to die, then the executors or adminiſtrators of the goods and chattels of the partie ſo deceaſed, ſhall truely without any couin or guile, make a iuſt and true account, and readie payment and deliuerance of all ſuch increaſe and gaines, as then ſhall bee remayning, to the lyuing.

And moreouer it is couenanted and agreed betweene the said parties, That if either of them be found vntrue in his reckoning and account, contrarie to the true meaning of this present Indenture, to the value of xx. shillings sterling, then the said party so found defective to forfait and pay to the other C. li. sterling, without any delay, according to the tenor and true meaning, of this present Indenture. And to all and singular couenants, promises, conditions, and paiments aforesaid, on either part to be truly without couin or fraud obserued, performed, fulfilled and kept, in maner and forme aforesaid, either party for him, his heires, executors &c. bindeth himselfe to the other, in the sum of CCC. pound sterling, well and truely to be paid by these presents. In witnesse &c.

Couenants of Partnership, or societie in trade.

Sect. 510. THis Indenture made &c. Betweene I. W. citizen and clothworker of L. of the one party, and T. B. Citizen and Clothworker of London on the other party, Witnesseth, that whereas the said I. W. and T. B. haue occupyed together as coparceners and parting fellowes, in all manner of buying, bartering, and bargaining, selling and doing of, and with their seuerall stockes, and of, and with diuers and sundry other goods, wares, and marchandises taken vpon their credite, and of, and with all their encrease and gaines that hath risen or growne by reason of their occupying. Except a particuler trade of occupying for Steele, which the said I. W. hath occupied seuerally by himselfe: And also except one other seuerall trade of retayling, which the sayde T. B. hath seuerally occupyed within the shoppe of his dwelling house of W. in the Citie of L. from the first day of I. which was in the first yeare of &c. vnto the first day of I. now last past. And whereas also the said I. W. and T. are now contented, condiscended, and agreed to occupy together as coparceners and parting fellowes, in all the trades and occupying aforesaid, of, and with all maner of marchandizes (except the sayd trade of occupying Steele) from the day of the date of these presents, vntill the feast of the birth of our L. God, which shall be in the yeare of &c. Whereupon it is couenanted &c. in manner and forme following, that is to say: that he the said I. W. and his seruants haue and hath from time to time sithence the beginning of this coparcenership, truely and honestly vsed, imployed, and occupied all maner of such trades, doings, and occupying, as from time to time haue or hath come to their hands, vsages, or doings, to the most profit and aduantage of this ioint occupying, that hee or they could deuise, without any maner of fraud or couin, & in such good, true, honest vsing, occupying, and imploy-

imploying of all maner of trades and doings concerning this coparcenership shall from time to time continue, vntill the said feast of &c. And that the said I. W. and his seruants, shall from time to time during the said terme, at, and vpon the lawful and reasonable request of the said T. B. his executors, and assignes, or seruants, make and declare, or cause to be made and declared vnto the said T. B. his executors, and assignes, or seruants, a true, iust, and perfect accompt, and reckoning in writing, of all the whole occuppings, buyings, sellings, bargainings, and doings, which the said I. W. or his seruants haue or hereafter before the time of the said request, shal haue occupied, bought, sold, bargained, borowed, or exchanged, concerning this ioint occupying: By which accompt aswell the names, sirnames, sum, and sums of money, and qualitie and qualities, of wares, and marchandizes, so by him or them bought, sold, bartred, borrowed, or exchanged, concerning this ioynt occupying, as the true, iust, and perfect estate of their ioint occupying, may plainly, truly, and euidently appeare to the said T. B. his executors, and assigns, or seruants. And further, that all maner of cléere increase and gaines ỹ shall rise, come, and grow, by reason of this ioint occupying, shall bee from time to time deuided betweene the said parties, part and portion like. And further, that he the said I. W. his &c. shall for his part, pay and beare all his owne proper costes and charges, of house keeping, house rent, apparell, subsidies, and fifténes, and that towards all the same, he the said I. W. his executors, administrators, or assigns, shall not in any one yeare take or spend out of their ioint occupying, aboue the sum of 150. li. at the most. And further, that he the said I. W. his &c. shall from time to time pay and beare the moitie of all such losses as shall happen by misfortune of the sea, euill debtors, or otherwise, touching or concerning the ioint occupying. And further, that the said I. W. hath not heretofore done, or suffered to be done, nor shall at any time hereafter during his coparcenership, doe or suffer to bee done, any maner of act, fact, deed, or thing, which is, shall, or may be any maner of damage, hurt, or losse to the stocke of the said T. B. or to their ioint occupying, or wherby the ioint occupying shall or may decrease, or be deminished, without the consent and agreement of the saide T. B. his &c. first obtayned in writing. And further, if the said T. B. happen to die or depart out of this mortall world before the said feast of the birth of our Lord God, which shalbe &c. that he the said I. W. or his assigns, within one Moneth next after lawfull request to him or them to be made by the executors, administrators, or assignes of the said T. B. shall not only make and declare to the same executors, administrators, &c. a true,

iuſt, and perfect accompt, and reckoning in writing, of all the eſtate of this ioint occupying and coparcenerſhip, whereby the names and ſirnames of all and euery debtors and creditors, and the quantity of goods, wares, money, and merchandize, then being or belonging to this ioynt occupying or coparcenerſhip, ſhall and may plainly, truely, and euidently appeare to the ſame executors, adminiſtrators, or aſſignes, but alſo make a true and perfect deliuery and aſſignement to the ſaid executors, adminiſtrators, or aſſignes of the ſaid T. B. of the moitie, or one halfe part of all ſuch goods, wares, mony, marchandize, and debts, as vpon the ſaid accompt ſhall appeare to be remaining or belonging to the ſaid coparcenerſhip, ouer and beſides ſuch debts, as the ſaid coparceners ſhall then owe, or be indebted in, by reaſon of their ioint occupying, in as large and ample maner, as if the coparcenerſhip had bin ended, and the ſaid T. B. remaining aliue. And that the aſſignement of ſuch debts as ſhall be allotted to the ſaid executors or adminiſtrators of the ſaid T. B ſhalbe made, conueyed, and aſſured to the ſame executors or adminiſtrators of the ſame T. B. in ſuch maner and forme, and by ſuch reaſonable conueyance, as by the learned counſell of the ſame executors or adminiſtrators, of the ſame T. B. ſhalbe deuiſed, or aduiſed. And further, that if the ſaid T. B. doth liue vnto the ſaid feaſt of the birth of our Lord God, which ſhalbe &c. that then the ſaid I. W. and his ſeruants then being, within one Moneth after lawfull requeſt to him or them by the ſaid T. B. ſhall make and declare ſuch like, true, and perfect accompt, rekoning, and things, and to all intents and purpoſes, to the ſaid T. B. or his aſſignes, as is aboue limitted or mentioned, to be made or aſſigned to his executors or adminiſtrators of the ſaid T. B. if hee ſhould happen to die, as is aforeſaid. And likewiſe the ſaid T. B. for himſelfe &c. That he the ſaid T. B. and his ſeruants, haue and hath from time to time, ſithence the beginning of this coparcenerſhip, truely, and honeſtly vſed, occupied, and imployed, all maner of ſuch trades and doings &c. *vt ſupra on the part of I. W.* In witneſſe &c.

Exchange.

A Grant of Exchange:

Sect. 511. THis Indenture tripartite made &c. Betweene the right Honorable Sir W. W. knight, Lord W. of the one partie, and W. S. Eſquire on the ſecond party, and R. G. of M. in the County of C. on the third partie, Witneſſeth, that the ſaid Sir W. W. and W. S. haue giuen, graunted, and by theſe preſents doe giue and graunt vnto

vnto the said R. G. iiij. acres and halfe an acre, and also one rod or pearch of land, parcell of their manor of D. H. and C. in M. aforesaid, in one field called &c. betweene &c. To haue and to hold the said iiij. acres and a halfe, and the said pearch of land to the said R. G. his heires and assigns for euermore in exchange, for two pieces of land of the said R. G. containing like quantitie of land, lying in &c. aforesaid, in the said M. whereof one peece lyeth betweene &c. And the said R. G. hath giuen and granted, and by these presents doth giue and grant vnto the said L. W. and W. S. the said two peeces of land, To haue and to hold the one moitie of the said two peeces of land to the said L. W. his heires and assigns for euermore: And to haue and to hold the other moitie of the said two peeces of land to the said W. S. his heirs and assigns for euermore in exchange of, and for the said iiij. acres and an halfe acre, and a rodde or pearch of land. Prouided alwaies, and euery of the said parties for them, their heires and assignes do grant and agree by these presents, that if it fortune any of the lands before rehearsed to be euicted or taken away, out of the possession of any of the said parties, their heires or assignes, by any person or persons, by any former right or title, so that the exchange cannot continue, or if the heires or assignes of the said L. W. and W. S. or the wife of the said W. S. or any of them do disagree to the foresaid exchange, by entry into the premisses, or into any part thereof, or by any other meanes: That then and from thenceforth the said gift and grant in exchange, and of euery of the parties of the premisses shall be vtterly void, and of none effect. And that then it shall be lawfull to euery of the said parties, their heirs and assigns, after such euiction or disagreement had, to reenter into euery of their said former lands, and the same to haue againe and inioy in their former estate: This Indenture in any maner of wise notwithstanding. In witnesse whereof to the one part &c.

Grantes in Exchange.

THis Indenture made &c. Betweene the right Hon. L. S. &c. of the one party, and R. H. of S. in the county of C. of the other partie, Witnesseth, that it is couenanted, granted, concluded, and by these presents agreed betweene the said L. S. &c. and R. H. in manner and forme following: that is to say, the said L. S. hath giuen, granted, and confirmed, and by these presents doth fully and clerely giue, grant and confirme to the said R. H. and to his heires and assignes for euer in exchange, for certaine lands, possessions, and hereditaments, late parcell of the lands and possessions of J. L. attainted and conuicted of high Treason, with all such aduowsons, presentations, nominations, free dis- Sect. 512.

position,

position, and right of patronage of the parish Church of S. aforesaid. And also all and singuler his messuages, milles, toftes, cottages, lands, tenements, medowes, moores, closes, pastures, commons, walks, heaths hedges, woods, underwoods, rents, reuersions, seruices, and all other hereditaments, liberties, perquisites, commodities, profits, and appurtenances, had, knowledged, accepted, reputed, or vsed, as part, parcell, or member of the same manor of S. or in any maner of wise belonging or appertaining to the same manno. All which said manors, lands, tenements, and hereditaments, and other the premisses, the said T. S. latly had to him, and to his heirs, of the gift and graunt of Sir R. A. knight deceased, and of D. C. gentleman, had, and purchased to them and their heires for euer, of the late King of famous memorie king Henrie the eight, as by certaine letters Patents thereof made to the said Sir R. A and D. C. and to their heires, bearing date &c. in the xxx. yeare &c. more at large shall and may appeare. To haue and to hold the said Lordship, manno, messuages, milles, toftes, cottages, lands, tenements, meadowes, closes, pastures, commons, heathes, moores, marshes, woods, underwoods, rents, &c. and all other the premisses with their appurtenances in exchange, as is aforsaid, to the said R. H. his heires and assignes, to the onely vse and behoofe of the said R. H. his heires and assignes for euer. All which said mannour, messuages, landes, tenements, and other the premisses, the said T. S. for him, his heires and executors, couenanteth, and grannteth by these presents, to and with the said R. H. his heires, executors, and administrators, to be of the clearer yearely value of tenne pound, ouer and aboue all charges and reprises, and so shall or may continue without fraud or couin. And also the said T. S. for him, his heires &c. to, and with the said R. H. and his heires, that the said manors, lands, tenements, and all other the premisses, and euery parcell thereof, now be clearely exonerated and discharged of all and euery former bargaines, sales, willes, statutes of the Staple, statute Marchants, Recognisances, and of all other charges whatsoeuer they bee, in any wise had or made by the said T. S. or by any of them, or by any other person or persons for them, in their right, or by the procurement of any of their lessees for terms of yeares, whereupon the old and accustomed rents or more beene reserued, and the rents and seruices from thencefoorth due to the chiefe Lord and Lordes of the fee or fees thereof onely excepted. And also the sayde T. S. hath clearely giuen and graunted, and by these presents doth giue and graunt to the said R. H. and to his heires, all and singuler euidences, deedes, charters, writings, and munniments, concerning onely

the

the premiſſes, or any parcell thereof, as now be in the hands and poſſeſſion or cuſtodie of the ſaid T. S. or to any other to his vſe, or by his deliuerie. All and ſingular which ſaid euidences, deeds, charters, writings, and muniments, the ſaid T. S. for him, his heires and executors, couenanteth and graunteth by theſe preſents, to and with the ſaid R. H. his heires, executors, and adminiſtrators, to deliuer or cauſe to bee deliuered to the ſayd R. H. his heires, executors, or aſſignes, within the ſpace of one yeare next inſuing the date hereof. In conſideration of all and ſingular the ſaid exchange, couenants, graunts, and agreements before in theſe preſents recited and ſpecified on the part and behalfe of the ſaid T. S. to bee well and truely executed, performed, obſerued and kept, the ſayd R. H. hath likewiſe giuen, graunted, and confirmed, and by theſe preſents doth giue graunt, and confirme to the ſayd T. S. and to his heires and aſſignes for euer in exchange, for the ſayd mannor of S. with the appurtenances, and all and ſingular the premiſſes before ſpecified, all that his paſture and cloſe called S. with the appurtenances, being deuided into three parts, and lying &c. And alſo thoſe his three weares vpon Thames now caſt downe, lying betweene I. and S. together with the waterbankes, and ſeuerall piſcaries with their appurtenances, commodities and profits. To haue and to hold the ſaid cloſe and paſture with the appurtenances, weares, waters, bankes, and ſeuerall piſcaries with the appurtenances, to the ſayde T. S. his heires and aſſignes, to the onely vſe and behoofe of the ſayde T. S. his heires and aſſignes for euer. All which premiſſes laſt recited and giuen by the ſayde R. H. to the ſaide T. T. in exchange, as is aforeſayd: The ſayd R. H. for him, his heires and executors, couenanteth and graunteth by theſe preſents, to and with the ſayd T. S. his heires, executors, and adminiſtrators, to bee of the cleare yearely value of tenne pound, ouer and aboue all charges and repriſes, and ſo ſhall or may continue without fraude or couin. And the ſayde R. H. for him, his heires and executors, couenanteth and graunteth by theſe preſents, that all and ſinguler the cloſe and paſture, weares, waterbankes, and ſeuerall piſcaries, and euerie parcell thereof, now bee clearely exonerated and diſcharged of all and euerie former bargaines, ſales, willes, Statutes of the ſtaple, Statutes Marchant, Recogniſances, and of all other charges whatſoeuer they bee, in any wiſe had or made by the ſayd R. H. or any other his auncеſtors, or by any ſuch perſon or perſons of whom the ſayd R. H. had or purchaſed the ſame leaſes for tearme of yeares, whereupon the olde and accuſtomed rents or more bee reſerued, and thereof

and

annuities from thencefoorth due to the chiefe Lord or Lords of the fee and fees thereof only excepted. And also the said K. H. hath clearely giuen and granted, and by these presents doth giue and grant to the said T. S. and to his heirs, all and singuler euidences, charters, deeds, writings and muniments, concerning only ỳ said close and pasture, weares waterbankes, and seuerall piscaries, or any parcell thereof, as now bee in the hands and possession or custodie of the said K. H. or any other to his vse, or by his deliuery. All and singuler which said euidences, charters, deeds, writings, and muniments, the said K. H. for him, his heires and executors couenanteth and granteth by these presents, to and with the said T. S. his heires, executors, and administrators, to deliuer or cause to be deliuered to the said T. S. his heires, or assignes, within the space of twelue yeares next insuing thinsealing of these presents. And furthermore the said T. S. for him, his &c. to and with the said K. H. his heires and executors, that forasmuch as the said close and pasture, weares, and other the premisses before mentioned in these presents, and giuen in exchange by the same K. H. doe exceed the yearely value of the said manor, lands, tenements, and other the premisses giuen in exchãge to the said K. H. and his heires, by the said T. S. That therefore for the equality of the said exchange, the said T. S. his heires executors or assignes, shall content and pay, or cause to bee contented and paied to the said K. H. his heires &c.

An Exchange.

Sect. 513. SCiant ꝑsentes et futuri, quod ego W. A. armig', dedi, concessi, et hac præsenti charta mea indentata confirmaui I. S. Militi, duas partes manerij mei de O. in Com̃ N. cum omnibus natiuis meis et eorum sequela, tam procreat̃ quam procreand', vna cum omnibus terris tenẽtis reditibus seruitijs, libertat̃, ac duobus molend' vnde vnum ventriticũ et aliud aquaticum cum sect' multur̃, tam liberor̃ quam natiuor̃, cum partis, pastur̃, vijs, semitis, ripar̃, aquis, piscar̃, stagn̄, viuarijs turbar̃, gard', curtilag', homag', ward', maritag', communijs, boscis, subboc. warrenn̄, moris, marisc. releuijs, escheat̃, cur̃, et sect' cur̃, cum visu. francipleg', cum omnibus alijs suis iuribus ꝑtinen̄, consuetud', libertat̃, et commoditat̃ quibuscunq; eidem manerio̅ spectant̃: Dedi etiã et concessi eidem I. R. aduocation̄ ecclesiæ de G. ꝓd̃ manerio spectant̃, necnon reuersionem tertiæ partis ꝓdict̃ manerij, quam A. mater mea tenet nomine dotis suæ cum acciderit post decessum eiusdem A. Habend', et

tenend

tenend' præd' duas partes manēr' præd', cum omnib' natiuis meis &c. *vt ſupra*, cum aduocatione eccleſiæ p̄dict', ac reuerſion' tertiæ p̄tis manēr' p̄ed' cū acciderit præfat' I.S. & hęred' & aſſign' ſuis imperpetuum in excambio pro manerio ſuo de H. in com' N. quod ego habeo ex dono & feoffamento p̄edict' I.S. per excambium p̄d', de capitalibus dn̄is feodi illius, p ſeruitia inde debit', et de iure conſuet', ſub forma & conditione ſequent', viz. Quod ſi p̄ed' manēr' de H. cum ſuis pertinentijs, vel aliqua inde parcell' impoſterum de me, vel hæred' meis, aut de meis aſſign' iuſto titulo ex antiquo tēpore mot' vel mouend' per legis proceſſ. & iudiciū in Cur' dict' Reg. redd' ſiue reddend' recuper', aut per ſtatutū ſtapul', vel mercator', recognic', vel conceſſion', ante hoc tēpus per poſſeſſores dicti manēr' de H. fact' ſiue cognit', ſeu aliquo modo oneretur ſiue extendetur, extunc bene liceat mihi p̄fato W. hæred' & aſſign' meis in manēr' de O. cum oīb' natiuis &c. vna cum aduocat' & reuerſion' p̄d' reintrar' & ea rehabere & retinere, vt in ſtatu ſuo priſtino, hac p̄ſenti charta mea indentat' et ſeiſin' inde deliberat' vllo modo non obſtante. Et ego vero predict' W. et hęred' mei pred' manēr' de O. cum oīb' natiuis &c. vna cum aduocac' &c. ac reuerc' tertię p̄tis cum acciderit præfat' I. hæred' & aſſignat' ſuis in forma q̄ contra omnes homines warrant' & imperpet' defendemus p̄ preſentes. In cui' rei &c.

An Exchange.

THis Indenture made &c. Betweene Sir E. A. and dame M. his wife on the one partie, and I. N. of &c. and W. his wife on the other partie, Witneſſeth, that where the ſaid ſir E. A. and M. ſtand ſeiſed of, and in the manor of M. and of one capitall meſuage called E. and the ſcite and demeane of the late diſſolued monaſterie of E. in the Countie of W. and of diuers meſuages, lands, tenements, and hereditaments in E. S. A. and B. in the ſayd countie of W. And where alſo the ſaid I. N. is and ſtandeth ſeiſed, of, and in the manors of H. and M and of diuers other meſnages, lands, tenements, and hereditaments in H. in the ſaid countie of M. which manor, lands, &c. in the ſaid countie of W. the ſaid ſir E. A. and I. N. are agreed ſhall be aſſured and conueyed, part thereof to the ſaid I. N. and W. and to ẏ heirs of the ſaid I. N. and another part therof to the ſaid I. N. and his heirs, in maner and forme, and vpon condition hereafter in theſe preſent Indentures mentioned. And that likewiſe the ſaid manors of H. and M. and other the lands and tenements aboue mentioned in H. in the countie of M. (except hereafter Sect. 514.

after excpted) shal be assured and conueied to the said sir E. and M. in maner and forme, and vpon condition hereafter in these Indentures expressed. And therefore now in accomplishment of the said agreement, and in consideration of the sum of &c. to the said sir E. by the said I. M paied, the said sir E. A. and M. haue giuen, granted, bargained and sold, and by these presents Indentures doth giue, grant, bargain, and sell to ỹ said I. M. and W. and to the heirs of the said I. all those two closes lying neere to G. in the said countie of W. aforesaid, now or late in the tenure and occupation of E. S. gent. and all those closes or grounds parcel of the demeanes of the said late dissolued Monasterie, knowne by the name or names of &c. being part of the demeanes belonging to the said late dissolued Monasterie of E. with the appurtenances, To haue and to hold the said closes, messuages, lands, tenements, and hereditaments and other the premisses in the said Countie of W. last before mentioned to the said I. M. and W. and to the heires and assignes of the said I. for euer, to the vse of the said I. M. and W. and to the heires and assignes of the said I. M. for euer. And also the said sir E. A. and M. for the consideration aforesaid, haue giuen and granted, bargained and sold, and by these presents do giue, grant, bargaine and sell to the said I. M. all that the manor of M. with thappurtenances in the said counties of W. and the said capitall messuage called E. and the said demesnes of the said late dissolued Monasterie of E. in the said county of W. and all and singular their and either of their messuages, lands, farmes, tenements, rents, reuersions, seruices, and hereditaments, with the appurtenances in E in the said countie of W. now or late in the tenure and occupation of R. G. and of I. B. or of either of them: Also all those closes, lands, woods, and grounds, meadowes and pastures whatsoeuer late of I. G. and F. or either of them aforesaid, called or knowne by the name or names of &c. and also all other their and either of their messuages, cottages, mils, douehouses, lands, tenements, meadowes, pastures, feedings, woods, vnderwoods, commons, wast grounds, mores, heaths, sheepe walkes, waters, poles, fishings, rents, reuersions, and all their courts, leets, profits, and perquisits of courts and leets, waiues, estraies liberties, priuiledges, iurisdictions, prerogatiues, profits, commodities, emoluments, and hereditamẽts whatsoeuer, with all and singular their appurtenances in the parish of E. &c. and all their estate, right, title, interest, claime, propertie and demand whatsoeuer, of, in, to, or out of the said manors and premisses with &c. in the said countie of W. or of, in, to or out of any part or parcell thereof. And all the deedes, euidences, charters and writings, touching or concerning onely the said manor of

M. and other the foresaid premisses before in these presents mentioned in the said countie of W. or onely any part or parcell thereof. To haue and to hold the said manor, scite, lands, tenements, hereditaments, and all other the premisses in ỹ said countie of W. before, in, or by these presents giuen, granted, bargained and sold, or mentioned to be giuẽ, granted, bargained and sold to the said I. M. with all and singular their appurtenances to the said I. M. his heirs and assigns to the vse of the said I. M. for euer. And the said I. M. in consideration hereof, and for the summe of &c. *vt supra ex parte I. N. mutatis mutandis*. And also his swan marke and all his swans, being or vsing in and vpon the riuer of T. & C or in any other place within the counties of M. Y. and B. or any of thẽ, and all his estate, right, title, interest, claim, property, & demand whatsoeuer, of, in, to, or out of the said manors and premisses in the said county of M. or of, in, or to any part or parcel therof, together with all and singular ỹ deeds, euidences, charters, writings, escripts, and muniments, touching and concerning only the premisses in the said countie of M. or any part or parcell thereof (except and alwaies reserued vnto the said I M. his heires &c. all that capitall messuage called B. situat, lying, and being in &c. together with all and singular the barns, stables, douehouses, yards, curtilages, motes, waters, ponds, fishings, orchards, gardens, and all other easments, cõmons, and commodities therunto belonging) And also except and reserued to the said I. M. his heires and assigns one great field called the B. field, two closes, the one called &c. To haue and to hold the said manors &c. and all and singular other the premisses with &c. (except before excepted) vnto the said sir E. A. and M. and to the heires and assigns of the said sir E. A. for euer. Prouided alwaies, and it is &c. between the said parties, and ech of thẽ for them and their heires do couenant and graunt, to and with thothers and their heires by these presents, ỹ if any the said manors &c. by these presents mentioned to bee giuen &c. to the said sir E. A. and M. or either of them, shalbe at any time or times hereafter euicted, recouered, detained or taken away from the said S. E. and M. or either of them, or the heirs &c. by reason of any former title, cause or right whatsoeuer, hauing, being, or beginning before the date of &c. other than by reason or vertue of such rights, titles, causes and matters as be hereafter excepted, that then and from thencforth and so often it shal and may be lawful, to and for ỹ said sir E. A. and M. and their &c. into so much and so many acres of &c. parcel of ỹ &c. mẽtioned to be granted, bargained, and sold to the said I. M. as there shall be acres &c. so euicted, recouered, &c. into so much and so many acres of &c. being parcell of the lands of &c. of the said I. M. euicted, recouered &c.

to

to reenter and to haue, take, and retein the same, and the issues and pro-
fits therof to haue and receiue to their owne proper vse, for and vntill
such time as euery of them may lawfully enter into the mesuages, lãds
woods, medowes, pastures, and hereditamẽts so euicted and taken away,
and occupy, vse, and enioy the same, according to ỹ true intent and mea-
ning in these present Indentures contained. And that then and from
thencefoorth all and euery person and persons wõ shall stand seised of the
said lands, tenements, medowes, pastures, woods, and hereditaments so
to be reentred into, shal stand and be seised therof, and of euery part and
parcell thereof, to the vse of the said sir E. A. and M. and of the heirs and
assigns of the said sir E. for, and according to the purposes and intents
last aboue mentioned. Neuertheless, it is couenanted &c. for them and
euerie of them, their heires and assignes, that neither the said sir E. A.
nor M. nor the heires nor assignes of any of them, shall enter into the
said capitall mesuage called E. nor into any the gardens nor orchards
belonging to the same, nor into any the meddowes or pastures lying
within the eddering wherein the said capitall mesuage standeth and cõ-
passed about with the lands, vnlesse all the residue of the lands &c. be-
fore mentioned to be bargained and sold to the said I. M. bee not suffici-
ent in value for such landes &c. as be graunted, bargained or sold by the
said I. M. as aforesaid, and shall bee euicted or taken away as aforesaid.
Prouided also, and it is further couenaunted, graunted, condescended,
and agreed, by and betwéene the said parties to these presents, and ech
of them for them and their heires do couenant and grant, to and with
the others and their heires by these presents, that if any the said lands,
tenements, &c. *Vt supra, ex parte E. A.* And the said sir E. A. for him
and his heires doth couenant and grant, to and with the said I. M. his
heires and assignes by these presents, that he the said sir E. A. and his
heirs shall and will from time to time, and at all times hereafter acquit,
exonerate and discharge, or sufficiently saue or kéepe harmeless aswell
the said I. M. his heires and assignes, and euery of them, as also the said
manor of M. and the lands, tenements and hereditaments aboue men-
tioned to be bargained and sold to the said I. M. of and from all, and all
maner of former bargains &c. vt supra 110. whatsoeuer, had, made, or
done, the rents, and seruices from thencefoorth to bee due to the chiefe
Lord or Lords of the fée or fées thereof. And one bargaine and sale of
diuers woodes, vnderwoodes, and standerds, growing and being in
one Parke, or parcell of ground called the new P. and in and vpon
one greue called, &c. being parcell of &c. excepted and forepriſed.
And further the said E. A. for him and his heires doth couenaunt, &c.

to

to and with the ſaid I. M. his heirs and aſſignes by theſe preſents, that they the ſaid E. and M. the heirs & aſſignes of the ſaid E. and all & euery other perſon and perſons and their heirs now hauing or clayming or which at any time hereafter ſhal or may haue or lawfully claim to haue any maner of eſtate or intereſt of freehold or inheritance of, in, and to the ſaid manor, ſcite, demeſne land, tenements, & hereditaments aboue mentioned to be bargained and ſold to the ſaid I. M. ſhall and will from time to time, and at all and euery time and times hereafter during the ſpace of fiue yeares now next inſuing, vpon reaſonable requeſt therefore to be made, and at the coſts and charges in the law of the ſaid I. M. his heires and aſſignes doe, make, knowledge, execute, and ſuffer, or cauſe to be done, knowledged, and executed all and euery ſuch reaſonable act and acts, thing and things, deuiſe and deuiſes whatſoeuer, for the further better, more perfect and abſolute aſſurance, ſurety, ſure making and conueying of the ſaid manor, ſcite, demeſne lands, tenements and hereditaments, and all and ſingular other the premiſſes, aboue mentioned to be bargained and ſold to the ſaid I. M. to be had and made ſure to the ſaid I. M. his heires and aſſignes, according to the true intent and meaning of theſe preſents, bee it by deed or deedes, inrolled, or not inrolled, the Inrolment of theſe preſents, fine feoffement, recouery with voucher or vouchers ouer, releaſe, confirmation, or otherwiſe, as by the ſaid I. M. his heires or aſſignes, or by his or their Counſell learned in the law, ſhall be reaſonably deuiſed or aduiſed, ſo that the ſaid E. A. and M. or the heires of the ſaid E. be not compelled to trauell forth of the citie of L. or county of M. in or about the doing or knowledge of any the act or actes, thing or things aforeſaid. And further, that the ſaid E. A. his &c. ſhall and will before the feaſt of &c. vpon reaſonable requeſt therefore to be made, deliuer or cauſe to be deliuered whole and vncancelled vnto the ſaid I. M. his heires or aſſignes all ſuch deeds, euidences, charters, writings, and muniments which the ſaid E. or any other to his vſe, or by his deliuerie hath or haue touching or concerning the ſaid manor of M. ſcite, lands, tenements, and hereditaments aboue mentioned to be bargained and ſold to the ſaid I. M. or any part or parcell thereof. And the ſaid I. M. for him and his heires doth couenant and graunt to and with the ſaid E. A. his heires and aſſignes by theſe preſents, that he the ſaid I. M. and his heires ſhall and will from time to time, and at all and euery time & times hereafter acquite, exonerate and diſcharge or ſufficiently ſaue and keepe harmeleſſe aſwell the ſaid E. A. and M. and the heires and aſſignes of the ſaid E. and euery of them, as alſo the ſaid manor,

meſuages, lands, tenements and hereditaments, and all and ſingular o-ther the premiſſes aboue mentioned to be bargained and ſold to the ſaid E. and M. and euery part and parcell therof, of and from all and all maner of former bargains, as in couenants to ſaue harmeles, the rents and ſeruices from henceforth to be due to the chiefe Lord or Lords of the fee or fees thereof, and all copiholds, cuſtomary eſtats, rights, and titles by copie iuſtly claimed by any perſon or perſons by copy, according to the cuſtoms of the ſaid manors of M. and M. or either of them, excepted and foreprized, and except alſo one leaſe made to A.B. of &c. for the rents of 50.l. whereof there is not aboue fiue. yeares to come, and alſo except one leaſe made to A.B. of S. for the rent of fifty.li. being not aboue fiue. yeres to come And alſo &c. And moreouer the ſaid I. M. for him and his heirs doth couenant and graunt to and with the ſaid E.A. his heires and aſſigns by theſe preſents in maner and forme following, that is to ſay, that he the ſaid I. M and W. now his wife, and their heirs, and all and euery other perſon and perſons and their heires now hauing, vt ſupra for further aſſurance. In witnes &c.

An Exchange of lands for yeares.

Sect. 515 THis Indenture of exchange made &c. Betweene M. B. of C. &c. and R. M. of &c. on the one party, Witneſſeth, that the ſaid M. B hath demiſed, granted, and to farme letten, and by theſe preſents doth &c. vnto the ſaid R. M. all theſe parcels of land hereafter recited, lying in D. aforeſaid, that is to ſay &c. To haue and to hold the ſaid one acre and fifty. roods of land &c. with thappurtenances vnto the ſaid R. M &c. in exchange for certaine other landes hereafter in theſe preſents mentioned from the feaſt of &c. vnto the end and terme of fiue. yeares from thence next following and fully &c. without impeachment of any manner of waſt or deſtruction to bee committed or done by the ſaid R. D. his heires &c. without any thing yeelding or paying vnto the ſaid M. B. &c. during the ſaid terme of &c. In conſideration whereof the ſaid R. M. hath demiſed, granted, &c. and by theſe preſents &c. vnto the ſaid M. B. all thoſe parcels of ground hereafter recited lying in C. aforeſaid, viz. (naming the lands certainly) &c. To haue and to hold &c. with the appurtenances vnto the ſaid M. B. &c. in exchange for the ſaid land firſt aboue expreſſed from the ſaid feaſt of &c. vnto the end of the ſaid terme of fiue. yeares from thence &c. without impeachment of any manner of waſt or deſtruction to bee committed or done by the ſaid M. B. &c. without any thing yeelding and paying therefore vnto the

ſaid

ſaid R. P. &c. during &c. And the ſaid H. B. doth couenant and grant &c. that the ſame R. P. &c. ſhall haue, occupy, and inioy all the ſayd lands and premiſes aboue letten by the ſaid H. B. vnto the ſaid R. by this Indenture of exchange, by, and during all the ſaid terme of &c. in maner and forme aboue recited, without let or interruption of the ſayd H. B. his heires, executors, &c. And the ſaid R. P. couenanteth &c. that the ſame H. B. &c. ſhall haue, hold, occupy, and inioy all the ſaid lands and premiſſes aboue letten by the ſaid R. P. vnto the ſaid H. by this Indenture of exchange, by and during all the &c. in maner and forme aboue recited, without any let or interruption of the ſaid R. P. &c. And for the performance of all couenants, grants, promiſes, and agreements on the part of the ſaid H. B. &c. aboue rehearſed in this Indenture, well and truely to bee obſerued, performed, fulfilled, and kept, according to the purport and effect of theſe Indentures, the ſame H. B. bindeth himſelfe &c. vnto the ſaid R. W. his heires &c. in the ſumme of x. li. of lawfull &c. And for the performance of all couenants vt ſupra on the part of the ſaid R. P. &c. aboue rehearſed in this Indenture well and truely &c. vt ſupra, according to the purport &c. of this Indenture, the ſaid &c. bindeth himſelfe &c. vnto the ſaid H. B. and in the ſumme of &c. In witneſſe &c.

Note that in exchange, it is conuenient that the ſtates of both parties be equall. And that for the perfecting thereof either party actually reenter into the lands to him thereby granted.

Letters of Atturney.

What, and how neceſſarie Atturneyes be.

HItherto haue we in ſome ſort intreated of ſuch acts and Inſtruments as are made and done by the partyes, themſelues, being perſonally preſent: Now we intend to ſet downe ſuch Inſtruments, as giue authoritie to other as their Factors or Atturnies to doe the like for them. And that the rather, for that mention is made before, that Liuery of ſeiſin may be made by Proctors or Atturnyes, authorized therunto by written Warrants. And euen as Liuerie of ſeiſin, ſo may many other actes and Inſtruments in ciuill cauſes be performed by Atturnies, which ſeemeth very reaſonable, for that that many times the parties themſelues, are ſo hindered, either by infirmi- Sect. 516

tie, or by ſuch multiplicitie of buſineſſe and affaires in ſundrie places at one time, that they cannot poſſibly bee preſent at all : Wherefore Atturnies be very neceſſarie and profitable for humane ſociety; which be defined ſuch perſons as by the conſent, commandement, or requeſts of the parties, doe take heed, ſee too, and take vpon them the charge to do other mens buſineſſe and affaires in their abſence, according to the authoritie and truſt to them committed by the owners thereof. In Inſtruments making and ordaining of Atturnies, which be ſometimes called Letters of Atturney; ſometimes Warrants of Atturney; ſometimes Proxies or Procurations, ſeeme neceſſarily to be conſidered ſixe things, viz. Firſt the name of the party which is to make the Inſtrument, and of him which is to be made Atturney. 2. The Atturnies cõſent to the ſame. 3. Againſt whom. 4. In what matter or cauſe. 5. Before what Iudge or other perſon. 6. For what act or end. All which things will plainely appeare in the enſamples following.

A Letter of Atturney to receiue Money.

Sect. 517. THis Bill made &c. Witneſſeth, that I I. Y. of Lincolnes Inne &c. haue conſtituted and made I. Y. my ſeruant, my lawfull Atturney to receiue for me, and to my vſe, all ſuch ſummes of money as ſhall be due vnto me by one L. R. of Y. in ỳ &c. be it by matter of Record or otherwiſe. And alſo giuing him further authorities in my name after the payments of the ſaid ſummes, to make a good and perfect acquitance or acquitances. And I the ſaid I. Y. doe graunt by theſe preſents, to allow, ſtand to, and to iuſtifie all ſuch act and actes, thing and things, touching and concerning the receipt and making acquitances aforeſaid, as my lawfull Atturney ſhall doe, as is aforeſaid. In witneſſe whereof I haue hereunto put my hand and Seale.

A letter of Atturney by a Maior and Comminaltie, for their gathering of their rents and debts.

Sect. 518. NOuerint vniuerſi per preſentes nos Maiorem & Communitatem Burgi de D. in comitatu Eborum, pro nobis & ſucceſſoribus noſtris feciſſe, ordinaſſe, conſtituiſſe, & in loco nr̃o poſuiſſe dilectos nobis in Chriſto W. S. & F. M. de eadem in eodem Com̃, nr̃os veros & legitimos Atturnatos coniunctim & diuiſim, ad petend & exigend', leuand', recuperand', & recipiend', vicibus & nominibus noſtris, & pro nobis, & ad vſum noſtrũ de tempore in tempus, omnes & ſingulos pecunia-

cuniarum ſummas, debit, arrerag' & redd' quouſcunque nobis debit quacunq; de cauſa per aliquã ſiue aliquas perſonas infra Regnũ Angl, tam modo nobis debit & aretro exiſten quam impoſter fuer debit. Et inſuper concedimus pro nobis & ſucc' noſtr coniunct & diuiſim, plen & integram poteſtat & authoritat ad arreſtandũ, ꝓſequend, implacitand, & condemnari faciend, ac executionem debit obtinend pro nobis & ſucceſſoribus nris. Ac diſtrictionem & diſtrictiones pro redditibus & arrerag', reddend nobis debit de tempore in tempus, capiend, imparcand, ac recuperand, ac omnia ꝑd debit & arrerag' recipiend, ad vſum noſtrum & ſucceſſor noſtror. Et debit acquietanc' pro ſumm ſic recuperat & recept faciend, et nominibus nris deliberand, ac ea omnia & ſingula agere, facer, et perimplere que circa præmiſ. neceſſar fuerint & oport, adeo plenar & integre prout noſmetipſi poſſimus ſiue deberemus in ꝑmiſſis facere. Ratum et grat habens & habitur totũ & quicquid dicti atturnati noſtri fecerint, ſeu eorum alter fecerit in præmiſſis virtute præſentiũ. In cuius rei teſtimonium huic preſenti ſcript noſtro ſigillum noſtrum commune appoſuimus. Dat die &c. anno &c.

A Letter of atturney to ouerſee lands, receiue rents, and enter for nonpayment thereof.

BE it knowne to all men by theſe, preſents, that I I. S. of B. in the County of S. yeoman, haue made, conſtituted, ordained, and put in my place, my right welbeloued in God R. P. gentleman, my true and lawfull Atturney in this behalfe, to ouerſee, rule and gouerne for me and in my name, all my lands and tenements, as well freehold as copyhold, ſet and lying in the townes and parith of C. in the countie of S. And alſo to receiue for mee and in my name all the rents, iſſues, commodities and profits comming and growing of the ſame lands and euery parcell thereof. And the farmors of the ſame lands for nonpayment to expell, put out and amoue, and them to let to farme to other at his own pleaſure and diſcretion, giuing and granting vnto the ſaid Atturney my full power and authoritie by the tenor of theſe preſents, to do and execute all and ſinguler the premiſſes, as fully, wholly and ſurely, as I the ſaid I. S. might or ſhould doe, if this my preſent writing had not beene made &c. In witneſſe &c. Sect. 516

A Letter of Atturney for speciall debt.

Sect. 520. VNto all Christian people to whom this present writing shal come R. S. of &c. sendeth greeting. Know you me the said R. S. to haue constituted, and in my place set my welbeloued in christ A. D. my true and lawfull deputie and Atturney to aske, demaund, leuy, recouer, and receiue for me and in my name, and to my vse of C. W. of &c. the sum of &c. of lawfull English money which the said C. W. oweth vnto me, and wherein he standeth bound vnto me by his bil obligatorie: Giuing, and by these presents granting to my said Atturney my whole power and authoritie in the premisses if need shall require to sue and pursue the said C. W. his executors &c. for me and in my name in any Court spiritual or temporal, before any Iudge or Iustices, or to vse any other lawfull waies or meanes for the recouery of the said &c. And also to compound, seale and deliuer Letters of acquitance, or any other lawful discharge for me and in my name. And moreouer to ordaine and set Atturney or Atturnies, one or more vnder him, and at his pleasure againe to reuoke and countermand the same. And to do, execute, performe and finish for me and in my name all and singuler things which shall be expedient and necessarie concerning the premisses as thoroughly and wholy as I the said R. S. might or could do in or about ỹ same. And whatsoeuer my said Atturney shall dos or cause to be done in the premisses, I promise to allow, confirme, performe, and establish, and thereto I. bind me, my heires and executors by these presents. In witnesse &c.

A Letter of Atturney to recouer and retaine a Debt.

Sect. 521. BE it knowne &c. That whereas W. P. &c. is bound vnto I. R. by one Obligation or writing obligatory, bearing date the &c. in the sum of three hundred pounds, to be paied to the said I. R. his executors or administrators, or some of them, with condition thereupon indorsed, as thereby appeareth, That now the said I. R. for and in consideration of a certaine summe of money to him the sayd I. R. by R. S. before hand payed, hath bargained and sold, and by these presents doth bargain and sell vnto the said R. S. his executors, administrators, and assignes, the said Obligation, or writing obligatorie, of 300. pounds aforesaid. And also doth by these presents make, constitute, and in his place put the sayd R. S. his true and lawfull Atturney, in his name and place to aske, demaund, leuie, recouer, and receiue of the sayd W. P. his heires, executors, and administrators, and euery of them, the said 300. pounds, in the said writing obligatorie mentioned and

&c.

expreſſed. And alſo doth by theſe preſents giue and graunt vnto the ſaid R. S. his executors and adminiſtrators, and euery of them, full and whole power and authoritie in the name of him the ſaid I. R. to ſue, arreſt, impriſon, and condemne, and cauſe to be ſued, arreſted, impriſoned, and condemned the ſaid W. P. his heires, executors, and adminiſtrators, vpon the ſame writing obligatorie of 300. li. And alſo to procure iudgement and execution to bee had and made againſt the ſaid W. P. his heires, executors, and adminiſtrators for the ſame 300. pounds. And alſo for, and in the name of him the ſaid I. R. to releaſe and acquite the ſaid W. P. his heires, executors, and adminiſtrators, and euery or any of them for the ſame thrée hundred pounds. And releaſe or releaſes, acquitance or acquitances to make, ſeale, and deliuer vnto them, and euery or any of them of the ſame ſumme of 300. pound, and of euery or any part thereof. And one Atturney or moe for the doing of the premiſſes, to make, and the ſame at his pleaſure to reuoke, and new in their place to ſubſtitute, and to doe, performe, execute all and ſinguler things which ſhall bée expedient or neceſſarie concerning the premiſſes, ſo fully, as hée the ſaid I. R. might or could doe the ſame, being perſonally preſent at the doing thereof. And further the ſaid I. R. doth by theſe preſents giue and graunt vnto the ſaid R. S. his executors and adminiſtrators, good and lawfull authoritie to receiue, retaine, and keepe to his and their owne proper vſe and behoofe the ſaid ſumme of thrée hundred pounds, in the ſaid Obligation mentioned, without any accompt to be rendred to him the ſaid I. his executors, or adminiſtrators, for the ſame, or any part thereof. And the ſaid I. R. for himſelfe, his executors and adminiſtrators, and euery of them doth by theſe preſents couenant, graunt, promiſe, and agrée, to, and with the ſaid R. S. his executors and adminiſtrators, and euery of them, that he the ſaid I. R. his executors and adminiſtrators, and euery of them, ſhall and will iuſtifie, allow, ratifie, and performe all and whatſoeuer he the ſaid R. T. his heires, executors, and adminiſtrators, ſhall lawfully doe, or cauſe to be done, in, or about the premiſſes. And that neither hee the ſaid I. R. his heires, executors, nor adminiſtrators, nor any of them, will reuoke, nor make void this letter of atturney, nor any authoritie thereby giuen to him the ſaid R. And that hee the ſaid I. R. hath not heretofore releaſed, nor made void the ſaid Obligation, nor the ſaid ſumme of thrée hundred pounds therein contained, nor any part thereof: nor hath done, nor ſuffered to bée done, nor hereafter will do, nor ſuffer, or aſſent to be done, any act or acts, thing or things, whereby the ſaid ſumme of thrée hundred pounds,

in the ſaid Obligation mentioned, may not be recouered, obtained, and had by the ſaid R.S. his executors, adminiſtrators, or aſſignes, or ſome of them, according vnto the true meaning hereof. And for the performance of all articles, couenants, grants, and agréements herein contained, he the ſaid I.R. doth by theſe preſents bind himſelfe, his heires executors, and adminiſtrators, and euery of them to the ſaid R.S. his executors, and adminiſtrators, in foure hundred pounds, of lawfull money &c. to be paied to the ſaid R.S. his executors and adminiſtrators. In witneſſe &c.

A letter of Atturney made by Executors.

Sect. 522

NOuerint vniuerſi per preſentes nos R.I. & M. vxor meam nuper vxor T.S. (dum vixit) ac executricem Teſtamenti eiuſdem T. aſſignaſſe, feciſſe, & loco noſtro conſtituiſſe dilectos nobis in Chriſto Iohēm C. & M. vxor eius, noſtr fideles & legitim Atturnat, coniunctim & diuiſim, ad petend, leuand', & recipiendum vice & nomine noſtro, ad eorum pprium vſum, omnia & ſingula bona, mobilia & immobilia, huſtilimenta et neceſsaria quę pfatus T. die obitus ſui habuit, & ſibi pertinebant infra meſuagium ſiue tenementum ſuum in H. in comitatu E. quod idem T. per teſtamentum ſuum dedit & legauit preſat I.C. & M. vx'ſuę, ſorori eiuſdem T. cum omnibus & omnimodis hmodi huſtilimentis et bon eidem meſuag' ſiue tenemento, lignifir omnino except, eidem meſuag' ſiue ten vt appropriat reſeruatis, quæ omnia & ſingula debita quę dicto T. die eius obitus debebantur, infra comitatū E. prędict, prædictus T. in dicto ſuo teſtamento voluit & legauit præfat I.C. & M. vxori eius: Dantes & concedentes pfat I. & M. attornat noſtris, ac vtrique eorum, plenam & liberam, tenore pſentium poteſtatem noſtram, ob defect' deliberationis & ſolutionis in hac parte, ſi neceſſe fuerit, tam omnes & ſingulos debitores, detentores, & eorum quemlibet, omnium bonorum, huſtilimentor & neceſſarior pdict', ac cuiuſlibet eorum parcell (excep & reſeruat præexceptis & reſeruat) quam omnes & ſingul' debitor & detentores debitor pdict', ac quemlibet eorum arreſtari facien impriſonandi, et extra priſonam liberād': Necnon implacitand & proſequend in quibuſcunque curijs, et coram quibuſcunque iudicibus & Iuſtic' quorum intereſt, adeo preciſè et integrè, ſicut lex exigit & permittit, & de receptis in hac parte, acquitanc' nomine nro faciendi ſigillandi, & deliberandi, attorn quoque vnum vel plures ſub ſe conſtituendi, et pro ſuo libito reuocandi: Cęteraque oia et ſingula quæ

in

in præmiſſis, & circa præmiſsa neceſsaria fuerint, ſeu quomodolibet opportuna faciend, exercend, & exequend, adeo integrè, prout noſmetipſi facere poſſumus, ſi præſentes ibidem ꝑſonaliter intereſsemus. Ratum & gratum &c. In cuius &c.

A letter of Atturney vpon the Kings licence.

VNiuerſis &c. I. P. vnus Armig' pro corpore illuſtriſſ. domini noſtri Regis &c. ſalutem in dño ſempiternam, Cum idem dominus noſter Rex, per ſuas gratioſas literas patentes, quarum datum eſt apud Weſtm̃ x. die Feb. anñ regni ſui xxxj. in conſideratione veri et fidelis ſeruitij, q̃ ego dict' I. P. eidem illuſtriſſimo dño noſtro ante hęc tempor impendi, & durante vita mea impendere intendo, conceſſit, et licentiã dederit mihi ꝑfat I. P. q̃ ego per me, aut deputat ſiue deputat meos indigenas ſiue alienigenas, numerum & quantitatem ducentorũ doleorũ ſatis, Anglicè vocat Woad de Tholoſa in partibus vltramarinis emere & ꝓuidere, ac eadem ducenta dolea de Woad, in vna naui, ſiue diuerſis nauibus, de obedientia dict' dñi Regis, aut obedientia aliquorum amicorum & confederatorum ſuorũ cariare & imponere, ac in quemcunque locum, ſeu quecunque loca huius regni ſui Angliæ. vna vice, vel diuerſus vicibus ibidem ad meum maximum ꝓficuũ & aduantagium importand conducend, & inducend, vendend, & diſtribuend, conduci & diſcariari facere poſſem & valeam licitè & impunè: aliquo actu, ſtatũ, reſtrictione, prohibitione, aut proclamatione in contrar fact' non obſtante, prout ꝓdict lris patentibus inde confectis plenius continetur. Noueritis me ꝓfat I. P. virtute & authoritate dictarum literarum patentium, feciſſe, ordinaſſe, conſtituiſſe, & in loco meo poſuiſſe dilect' mihi in Chriſto A. C. & C. D. Mercatores de H. meos veros & legitim deputatos, factores irreuocabiles coniunctim, vice & nomine meo, ad faciendum, exequendum, & adminiſtrandum, ad vſus, commoda, & proficua, propria eorundem A. B. & C. D. omnia & ſingula in dictis literis patentibus contenta & ſpecificata, viz. in tam amplis modo & forma, prout ego dictus I. P. facere potuiſſem, ſeu deberem, vigore ꝓd literarum patentium, ſi ibidem ꝑſens ꝑſonaliter intereſſem. Et deputat ſiue factorem vnum, ſiue plures ſub ſe conſtituend, & ad libita ſua reuocand: Quibus quidem A. B. & C. D. & eorum vtriq; coniunctim ego dictus I. P. do, concedo, & tranſporto per præſentes, omnimodam poteſtatem meam & authoritatem in præmiſsis. Ratum & gratum habens et habiturus, totum & quicquid dicti deputat & factores mei nomine

Sect. 523.

mine meo fecerint, ſeu fieri procurauerint, aut eorũ aliquis fecerit, ſeu fieri procurauerit in præmiſſis, et in quolibet præmiſſorum per præſentes. In cuius rei &c.

A letter of Atturney to deliuer poſſeſſion of Lands.

Sect. 524. NOuerint vniuerſi per p̃ſentes me W.B. &c. aſſignaſſe, feciſſe et loco meo poſuiſſe, ac conſtituiſſe p̃ p̃ſentes, dilect' mihi in Chriſt' A. R, meũ verũ et ligit̃ Atturnat̃ ad intrand̃ pro me, vice & nomine meo, in omnia illa meſuag', terr̃ &c. Et poſt talem introitũ, ad deliberand̃, pro me, vice et nomine meo, plenã et pacificã poſſeſſionẽ et ſeiſinam, de, et in p̃d̃ meſuag', terr̃, &c. oĩbus ſuis pertineñ I.B. aut ſuo certo Atturnato, hæred̃ et executorib' ſuis, ſecundũ vim, formã, tenorem, et effectũ cuiuſdem chartę meę per p̃fat̃ W. antedict' I. B. et alijs factæ, cuius dat̃ eſt &c. prout per inſpectionẽ eiuſdẽ pleni' apparebit: Cęteraq; omnia et ſingula &c. Dat̃ &c.

A letter of Atturney to receiue poſſeſſion of Lands.

Sect. 525. NOuerint &c. dilectũ mihi in Chriſto C.D. meũ verum et legitim̃ Atturnat̃, ad intrand̃ pro me, vice et nomine, meo, in vnũ meſuag. cum gardino et ſuis &c. ac plenam & pacificam poſſeſſionem et ſeiam inde capiendam. Et poſt hm̃di ſeiſinam et poſſeſſionem ſic inde recept̃ et habet̃, eandem ad meum ꝓprium vſum retinend̃ et cuſtodiend̃, ſecundũ vim, formam, et effectũ cuiuſdam chartæ mihi & alijs factæ per E.F. generoſum, vt per eandem chartam inde confectã, cuius datũ eſt &c. manifeſtè liquet et apparet: Cęteraque omnia &c.

A letter of Atturney to receiue poſſeſſion and coſts of the Shirife.

Sect. 526. BE it knowne &c. That I P.L. &c. haue conſtituted, ordained and made I.F. my lawfull Atturney, for me, and in my name, to receiue of the Sheriſe of the County of P. or his deputy, full and peaceable poſſeſſion, of one meſuage or tenement with the appurtenances in G. and ſuch mony as I haue recouered for my damages and coſtes againſt A.R, widdow, in an Eiectione firmæ, according to the tenor, effect, and meaning of the writ of our Soueraigne Lady the Queene of Habere facias poſſeſſionem, and Fieri facias, to the ſaid Shirif directed. In witneſſe &c. Dated &c.

A Letter of Atturney to take poſſeſſion of lands recouered.

NOuerint &c. nos H.G.& H. W. feciſſe, ordinaſſe, & loco noſtro poſuiſſe dilect' nobis in Chro W.P. & I,H. nros veros et legitim Atturnat coniunct' et diuiſim, ad intrand vice et nominib' nris in manr de B. ptin, ac in quinquaginta acras terræ, viginti acras parti, trecent acr paſtur, quadraginț acras boſci, et quinque libratas reditus cũ ptin in B.S, et R. in com E. quę nos prędt H. C. et H. W. per breue dni regis de ingreſſu ſuper diſſeiſinã in le Poſt, verſus I.C. armig', in cur dicti dni regis, corã Iuſtic' ſuis apud Weſtm termo S. Mich. antedict' &c. recuperauimus ad vſum I.S. Milit & hæred ſuor, ac de, et ſup hmdi introitu fic fact plenã & pacificã poſſeſsion, de et in man, terr, & tent pd cum ptin nominibus nris capiend et coutinuand ad vſum pd I.S.& hæred ſuor, donec aliter inde duxerimus diſponend. Rat & grat hent & habitur tot et quicquid dicti atturnat noſtri nominibus noſtris fecer ſeu eorũ alter fecer in pmiſſis, put ibid' præſentes perſonalit intereſſemus. In cuius rei &c. Sect. 527.

A Letter of Atturney to receiue poſſeſſion of lands extended by a Statute Marchant.

OMnibus Chriſti fidelibus &c. T.B. ciuis & Dra. L. ſalutem in dño Cum R.E. Miles, vic' com E. virtut breuis dni regis ſibi inde direct' extendi feciſſet vnũ meſ. et xx. acr terr cum ptin in D. in com E. quæ fuerunt I.K. ad valor xl. s. per ann, q quidẽ meſ. et xx. acr terr cum ptin dictus Vic', cũ ea ſic extendi feciſſet, ſeiſir fecit in manus dñi Reg. Noueritis me pf. T. B. aſſignaſſe, feciſſe, locoq; meo poſuiſſe et conſtituiſſe dilect' ſeruientẽ meũ R.B. meum verum & legitim in hac parte aturnat, ad recipiend p me, & in nomine meo de pf. R.M. Vic' com prędt, plenam poſſeſſionem & ſeiſinam, de, & in pd meſ. xx. acr terr cum ptin quæ mihi de præf. T.B. per dict' Vic', virtute breuis dicti dom Regis ſibi inde direct libetari debent & extend: Tenend mihi & aſſign meis vt liberum tenement meum ſecund' tenorem, vim, formam, & effectum eiuſdem brenis dni Regis eidem Vic' vt præfertur direct'. Dans & concedens pf. Atturnat meo, plenam & ſufficientem tenore pſent poteſtatem meam, authoritatem & mand ſpeciale, ad faciend, exercend, & exequend pro me, & in nomine meo, de, & in præmiſſis, & in quolibet præmiſſorum, omnia ea & ſingula quæ ego præfatus T.B. facere poſſem, ſiue deberem, ſi præſens ibidem perſonaliter intereſſem. Ratum & gratũ habens & habiturus firmum & ſta- Sect. 528.

& ſtabile, totum & quicquid ꝑd Atturnat̃ meus nomine meo fecerit in prẽmiſsis per prẽſentes. In cuius rei teſtimonium præſentibus ſigillum meum appoſui. Dat̃ &c.

A letter of atturney to enter for default of payment.

Sect. 529. OMnibus Chriſti fidelib', ad quos præſens ſcript puenerit, A. P. ſalut̃ in dño ſempiternã. Cum ego ꝑf. A. nuper dimiſerim, feoffauerim, & per quandam chartam meam tripertit̃ confirmauer̃ W. C. unum tenem̃tũ cum pertin̄, ſituat̃ in parochia S. Ceddæ Salop. viz. inter teñtum &c. Habend̃ et tenend̃ ꝑdict' W. hered̃ & aſſignꝫ ſuis imppet̃, ſub form̃ & conditione ſequeñ, viz. Quod ꝑd W. hered̃ vel aſſignꝫ ſui ſoluerent, aut ſolui facerent mihi ꝑfat̃ A. aut execut̃ meis, in eccleſia S. Ceddę Salop. ad feſtam S. Mich. arch. prox' futur̃ poſt datũ chartę ꝑd x.li. ſterling. Et ſi ꝑd W. vel aſſignꝫ ſui defeciſſet, vel defeciſſent in ſolut̃ ſum̃æ ꝑd, aut in aliqua inde parcell' ad feſtũ ſolutionis ſuperi' limitat̃, extunc bene licerit mihi ꝑf. A. in præd̃ tenem̃tum cum pertin̄ reintrar̃, & illud in priſtino ſtatu meo rehabere, ꝑd charta feoffam̃ti & dimiſſionis non obſtante, prout in ead̃ charta plenius liquet. Et quia ꝑf. W. ſolutionem præd̃ fregit. Noueritis me ꝑf. A. occaſione ꝑmiſ. atturnaſse, & plenam poteſtatem meam conceſſiſse dilectis mihi in Chriſto T. M. & I. P. coniunct' et diuiſim, ad reintrand̃, reclam̃ & poſſidend̃, pro me, & nomine meo, in præd̃ teñto cum pertineñ, vt in priſtino ſtatu meo, & præf. W. inde expellendum & amouendum, dictumque teñtum in manibus ipſorum T. & I. ad opus meum tenend̃, donec aliter inde duxerint diſponend'. Ratum & gratum habens & habiturus totum & quicquid præfat̃ Atturñ mei fecerint nomine meo, ſeu eorum alter fecerit in prẽmiſſis, prout egomet facere poſſem ſi ꝑſonaliter interesſe In cuius &c.

A Letter of atturney to receiue debts, ſue, and make acquitances.

Sect. 530. BE it knowne vnto all men by theſe preſents, that I Ꝑ. D. of &c. haue made, aſſigned, and aſſured, ordained and deputed, and in my ſtéd and place by theſe preſents put and conſtituted my welbeloued friends and kinſmen R, W. and S. of &c. my true and lawfull atturneys irrenocable, ioyntly, and either of them ſeuerally, for mee and in my name, and to my vſe, to aſke, leuie, recouer, and receiue all

and

and ſinguler ſuch debts, duties, ſum and ſummes of money as are or ſhalbe due or owing vnto me the ſaid Y.D. by A.B. C.D. &c. or by any other perſon or perſons whatſoeuer, Giuing, & by theſe preſents granting vnto my ſaid Atturnies, and to either of them iointly and ſeuerally, full power and authoritie, for me, and in mine name, and to my only vſe to ſue, arreſt, implead, condempne, and impriſon euery of my debtors aforeſaid. And at their, and either of their liberties and pleaſure, ſuch perſon and perſons out of priſon to deliuer, or cauſe to be deliuered And vpon the receipt of any ſum or ſummes of money, to my vſe to be receiued of any of the perſons aforeſaid, acquitances, or other lawfull diſcharges for the ſame, for me, and in my ſtead and name, to make, ſeale, and deliuer as my deed or deeds. And one Atturney or moe vnder them, or either of them to make or ſubſtitute, and at their or either of their free wils againe to reuoke: And all and euery other thing and things, which ſhall be needfull or neceſſarie to be done, in or about the premiſſes, the ſame to doe as fully and wholly, as I my ſelfe might doe, if I were ther perſonally preſent, holding firme and ſtable all and whatſoeuer my ſaid Atturnies, or either of them ſhall doe, or cauſe to be done, in or about the premiſſes by theſe preſents, Sealed with my ſeale. Giuen the viii. day of M. in the xxvi. yeare of the Raigne &c. An. Do. 1594.

A letter of Atturney to ſeale an Indenture and Obligation.

BE it knowne &c. That I.S.G. &c. haue made my true and lawful Atturnies, iointly and ſeuerally, to ſeale and deliuer for me, and in my name, one Indenture made betweene &c. bearing date &c. And alſo to ſeale and deliuer for me &c. to the ſaid Sir P. one Obligation, wherein I the ſaid Sir G. ſhall ſtand bounden to the ſame Sir P. in the ſum of &c. with condition thereupon indorſed, for the performance of the couenants, graunts, and agreements, compriſed in the ſaid Indenture: Which ſaid Indenture and Obligation after the ſame ſhall be ſo ſealed and deliuered by my ſaid Atturnies, or one of them, I the ſaid Sir G. doe promiſe by theſe preſents, that the ſame Indenture and Obligation and either of them, ſhall be my effectuall deed and deeds in the law, and ſhalbe of as good ſtrength, force, and effect in the law, to all intents, conſtructions, and purpoſes, to bind me, my heires and executors, againſt the ſaid Sir P. his heires and executors, and againſt euery of them, as though I the ſaid Sir G. had ſealed and deliuered the ſaid Indenture and Obligation my ſelfe. In witneſſe whereof &c. Sect. 531.

A letter of Atturney to alien lands.

Sect. 551. BE it knowne vnto all men by theſe preſents, that I A. B. of D. within the County &c. haue ordained, conſtituted, made, and in my place put my welbeloued R. D. my true, full, and lawfull Atturney, and to the ſame R. haue giuen, and granted, full, power and authoritie to giue, grant, bargain, and ſell, or by any other lawfull way, or meanes, to alien, conuey, and aſſure, at his will, pleaſure, and diſcretion, for me, and in my name, all that my meſuage, toft, gardein, orchard, x. acres of wood, x. acres of heath, furres, and x. ſhillings rent, with their appurtenances in G. in the County of P. to any perſon or perſons whatſoeuer, according vnto the Lawes of this realme. To haue and to hold to the ſaid perſon or perſons whatſoeuer, their heires and aſſignes, or the heires or aſſignes of any one of them for euer, to the onely vſe and behoofe of the ſaid perſon or perſons, to whom the premiſſes ſhall be aliened, conueyed, and aſſured, as is aforeſaid, to and for the ſumme of an C. li. of lawfull Engliſh money, to be well and truely paied to the ſayd Atturney, by the ſaid perſon or perſons to whom the ſaid lands and tenements, and other the premiſſes, ſhal be aliened, conuſted, and aſſured as is aforeſaid, within one Moneth after the ſaid alienation of the premiſſes made, as aforeſaid, to the onely vſe and behoofe of me the ſaid A. B. my executors and aſſignes. And further, giuing and granting to my ſaid Atturney, my full power and authoritie in the premiſſes, to doe, execute, performe, fulfill, conclude, and finiſh, for me, and in my name and place, as is mentioned, all and ſinguler thing and things whatſoeuer ſhall be expedient & neceſſarie concerning the premiſſes, as thoroughly, wholie, and ſurely, as my ſelfe ſhould doe, if I my ſelfe were there in my owne perſon preſent, ratifying and confirming by theſe preſents, whatſoeuer my ſaid Atturney ſhall doe, or ſuffer to be done, in, and about the premiſſes in my behalfe, for me, and in my name. In witneſſe &c.

A letter of Atturney generall touching lands.

Sect. 533. VNiuerſis Chriſti fidelib' &c. P.H. de R. in Comit' E. yeoman fili' & hæres R.H. defuncti dum vixit de G. in comitatu p̄d' yeoman, ſalutem in dño ſempiternam. Noueritis me p̄fat' P. feciſſe ordinaſſe, conſtituiſſe, et loco meo poſuiſſe dilectum mihi in Chriſto T.B. meum verũ & legitimum Atturnatum, ad proſequendum, implacitand', & defend' vice et nomine meo, et pro me, in omnibus et ſingulis curijs & placitis, ac coram quibuſcunque Iudicibus & Iuſticiar', verſus omnes

omnes & ſingulas perſonas, erga quas vel quam aliqua actio, tam realis quam perſonalis mihi quouiſmodo dat ius, ſectam, aut defenſionem per legem, de, et pro omnibus illis terris et tenẽtis meis cum ſuis ptinẽ vniuerſis vocat̃ W. ſituatis, iacentibus, et exiſtentibus in villis & campis de C. præd̃, quę mihi dicto P. iure hæreditario diſcendebant, per & poſt mortem præd' R. patris mei, & quæ in præſentia à me iniuſte detinent̃: Nec non omnia dicta terras & tenemẽta cum ſuis pertinentijs, vice et nomine meo ad intrand', ac plenam et pacificam poſſeſſionem et ſeiſinam, de et in eiſdem, pro me, & nomine meo capiendam: Ac omnes et ſingulas perſonas quaſcunque firmarios ſiue occupatores eor̃ und̃ abinde expelland̃ & amouendum, & ſuper̃ huiuſmodi poſſeſſione ſic capta & habita, omnia dicta terras & tenementa cum pertinentijs ad vſum dicti T. cuſtodiend̃, gubernand̃, occupand' et miniſtrand̃. Dando et per pręſentes concedendo p̃dict̃ Atturnat̃ meo, plenam et integram poteſtatem meam authoritatem et mandatum ſpeciale, p̃dict̃ perſonas et earum quamlibet, occaſione iniuſtæ detentionis, cuſtodiæ vel occupationis pręd̃ terrarum & tenementorum cum pertinentijs, aut alicuius inde partis ſeu parcell' attachiãd̃, & arreſtari faciend', ac coram Iudicibus & Iuſticiarijs prędictis comparare faciend' & producend̃, ac verſus ipſas perſonas, et earum quamlibet occaſione p̃dict', omnes et ſingulas actiones, ſectas, placita, et proſecutiones, licita, requiſita & neceſſaria in cur̃ prædict' vbicunque videbitur oportun̄ fore, vice ac nomine meo leuand', affirmand', capiend', et atturnand̃ & eas vel ea ſecundum iuris exigentiam, cum quibuſcunque inde circumſtantiis interplacitand̃ & proſequend̃, ac ius & titulum meum p̃d̃ coram p̃d̃ Iudicib⁹ & Iuſticiarijs declarand', exponẽd', & notificand̃, dictaſque perſonas & earum quamlibet per legis vigor̃ arreſtand̃ impriſonand', et condemnari faciend̃, ac extra priſonam deliberand̃: Nec non damna & expenſas in ea parte habit̃ & habend̃ de ipſis perſonis & de earum qualibet recuperand̃, & recipiend̃. Et de receptis & recuperatis, ac ſuper finem &c. As in other.

A letter of Atturney to ſue for lands and goods.

THis Bill &c. made &c. Betweene &c. Witneſſeth, that whereas the ſaid I. L. by his writing obligatorie, bearing date &c. hereof ſtandeth bounden to the ſaid D. in xl. li. &c. with condition thereunto indorced, as thereby appeareth, the ſaid D. in conſideration thereof hath con- Sect. 534.

constituted &c. in her place put the said I. her true and lawfull atturney irreuocable, to demaund, sue for, recouer, receiue, obtaine, and get in her name and stéed, to his owne vse, without any account thereof to be made or rendred vnto the said D. her executors or administrators, aswell all such lands, tenements, and hereditaments, which she the said D. should or ought to haue for her dower or iointure, of any landes, tenements, or hereditaments which were the inheritance of the said W. L. except one mesuage &c. As also all such goods and chattels as the said D. ought to haue for her part, of all the goods and chattels which were the said W. L. at the time of his death, other then such goods and chattels as shée the said D. now hath receiued, and the third part of all such debts as were due to the sayd W. L. at the time of his death. And the said D. doth by these presents giue and graunt vnto the said I. L. her full and whole power in the premisses (except before excepted) to arrest, sue, declare, implead, imprison, and release, any person and persons, for, or by reason of the same premisses, or any part thereof, (except before excepted) at the costs and charges of the said I. L. and thereof and therefore in her name to release, acquite, compound, and agrée with any person or persons: And also to doe, finish, and execute, all and euery other thing and things, which shall be requisite or necessarie, in, or about the premisses, or any part thereof, (except before excepted) so fully and wholly, as if the said D. should or might, or ought to doe, if she were personally present at the doing or executing of the same. And further, the said D. doth couenant &c. that shée the said D. shall and will allow, iustifie, affirme, performe, ratifie, and establish, all and euery act and actes, thing and thinges, which the said I. L. shall lawfully doe, or cause to be done in her name, in, or about the premisses or any part thereof (except before excepted) according to the true meaning hereof, at the costs and charges of the said I. L. And that the said D. shall not, nor will not at any time hereafter reuoke or adnull this present Letter of Atturney, or the power and authoritie thereby giuen to the said I. In witnesse &c.

A Letter of Atturney to sue to a Court.

Sect. 535. PAteat vniuersis p̄ p̄sentes, q̄ ego R. P. atturnaui, & in loco meo constitui I. meum Atturnatum, ad sectam nomine meo faciend' ad curiam Decani et Capituli Eccles'iæ beatæ M. Linc' de C. iuxt' tenorem breuis regis, balliuis p̄dict' Decani & Capituli curiæ suæ p̄d' inde direct' Ratum habiturus & gratum quicquid idem I. nomine meo fecerit in &c. Dat' &c.

A Letter of ſubſtitution where the Atturney maketh a deputie vnder him.

VNiuerſis &c. S. F. &c. Cum T. I. &c. p quoddã ſcripꝫ ſuũ de Atturnat̃ fecerit, ordinauerit, conſtitꝫ, & in loco ſuo poſuerit me p̃fat̃ S. ſuũ verũ & legitꝫ Atturñ, ad petendũ &c. vice & nomine dicti I. & ad meũ propriũ vſum de H. C. x. ſ. in quibus dict' H. p obligation ſuã p̃fat̃ I. tenet̃ & obligat̃ dictuſq; A. per dict̃ ſcripꝫ ſuũ de Atturñ, dederit & conceſſerit mihi prefato S. Atturnato ſuo, plenã & integrã poteſtatem ſuã & authoritat̃ in præmiſſis ad faciend̃, agend̃, proſequend̃ &c. & de recept̃ et recuperatis, & ſup fine et concordiã acquietanc', ſeu alias exonerationes nomine dict' I. componend̃, ſigillandꝫ, & deliberand̃. Et atturnatos alios, vnũ vel plures ſub me conſtituend̃ & reuocand̃, put in eod̃ ſcripꝫ de atturnat̃ inde confect̃ pleni' continet̃. Nouerit me p̃f. S. vigor̃ et authoritat̃ dict̃ ſcripꝫ de atturñ mihi ſic fact', ordinaſſe, poſuiſſe, &c. E. N. meũ ver̃ & legitim̃ ſubſtitꝫ ad petend̃ &c. ad vſum, commodum & proficuũ dict' E. de p̃f. H. x. ſ. Necnon oĩa alia & ſingula in p̃miſſ. & circa ea neceſſar̃, ad faciend̃, exigend̃, expediend̃ et finiend̃, adeo plene & integr̃, ſicut ego p̃d̃ T. vigore antedicti ſcripti atturnat̃ facere poſſem ſeu deberem ſi preſens perſonaliter adeſſem. Ratum et grat̃ &c. In cuius &c. Sect. 536.

A reuocation of a Letter of Atturney.

VNto all Chriſtian people to whom this preſent writing ſhall come A. W. &c. widow ſendeth greeting: Whereas I the ſaid A. vpon truſt and confidence which I had in E. W. my ſonne, did by my Letter of Atturney conſtitute and make the ſaid E. my Atturney, Bayliffe, Factor, and Solicitor generall, in, for, and of all and ſingular my goods, chattels, debts, dueties and demands, landes, tenements, and hereditaments whatſoeuer. And did giue him further authoritie and power to deale for mee, as by the ſaid writing to him made more at large appeareth. Now know you me the ſaid A. W. for that the ſayde E. W. hath vſed himſelfe by colour of the ſaid authoritie to him giuen, greatly both to my diſcomfort and hinderance, and otherwiſe than my truſt and confidence was in him, I haue reuoked, countermaunded and made void, and by theſe preſents do reuoke, countermand and make void the ſaid Letter of Atturney, and all the power and authorities of the ſaid E. W. to him giuen aſwell by the ſaid writing as by any Sect. 537.

other meanes whatsoeuer, whereby he can or may pretend to haue any kind of doing or dealing for me or in my name touching any thing that is mine. In witnes &c.

Warrants of Atturney.

A Warrant of Atturney to make leases not exceeding xx. yeares.

Sect. 538. TO all the faithfull of Christ to whom this present writing indented shall come. A.B. sendeth greeting in our Lord God euerlasting. Know that I the said A.B. haue ordained, constituted and appointed D.C. my true and lawful Atturney, and by these presents do giue vnto the said D.C. full power and authoritie for me and in my name by writing indented, or by seuerall writings indented, to demise, grant, and to farme let, all those my messuages &c. set, lying or being in the Countie &c. or in any of them, or any of the premisses, as to the said D.C. shall seeme meete and conuenient, to such person or persons, and during such terme of yeares, so that the said lease or leases doe not exceed the number of twentie yeares, with such reseruations of rents, couenaunts, graunts, agreements, and conditions to be contained in the said seuerall writings indented as to the said D.C. shall be likewise thought most meet and conuenient: and also in my name to seale and deliuer as my deede, and the one part of all and euery such writings indented as to the said D.C. in my name shall bee in forme afore rehearsed, to and for my vse with him to retaine and keepe. And I the said A.B. my heires and assignes shall at all times hereafter ratifie, confirme, and allow all and euery act and acts, thing and things which the said D.C. in my name shall doe in the premisses. In witnes &c.

A Warrant of Atturney to deliuer a lease vpon the ground.

Sect. 539. TO all Christian people &c. to whom &c. W.A. of H. in the countie of D. Esquire, send greeting. That whereas I the said W. haue made and sealed one writing indented purporting a lease to bee made vnto R.S. &c. of all the tenement with thappurtenances in C. within the Manor of C. within the parish of C. in the countie of D. And of all houses, buildings, lands, tenements, meadowes, pastures, woodes, vnderwoods, commons and waste, and all other hereditaments, with the

the appurtenances, of the ſame tenements belonging or appertaining &c. within either of the woords of the leaſe. To haue and to holde &c. as by the ſame writing indented, bearing date &c. more plainly doth and may appeare. Know ye now that I the ſaid W. A. haue ordained, made, conſtituted, and aſſigned my welbeloued B. P. my true and lawfull atturney, to enter for me, and in my name and ſtead, into the fore recited premiſſes with the appurtenances, and thereupon for mee, and in my name and ſtead, to deliuer thone part of the ſaid writing indented, ſealed with my ſeale, vnto the foreſaid P. S. as my very act and deed, vpon euerie parcell of the premiſſes aforeſaid, in the name of the whole in the ſaid writing contained, and therupon to receiue, and accept for me, and in my name, from the ſaid P. S. the counterpane of the writing indēted to my vſe, ratifying and allowing all and euery act and acts, thing and things, whatſoeuer my ſaid atturny ſhal do, or cauſe to be done, in, and about the premiſſes, in as ample manner, and as fully and wholy, as though I my ſelfe had bin there preſent in my owne perſon. In witneſſe whereof I the ſaid W. A. to this my preſent writing haue put to my ſeale &c.

A Warrant of Atturney to deliuer and receiue writings.

BE it knowne vnto all men by theſe preſents, that I. L. of W. in the county of C. the elder, haue authorized, deputed, and in my place haue put my welbeloued I. D. aſwel to receiue for me, and in my name, one deed indented, made by H. S. of C. of all the landes and tenements which were of the inheritance of H. S. father to the ſaid H. in P. W. D. C. and W. together with the poſſeſſion of all the ſame lands, As alſo to ſeale and deliuer for me, and in my name, one deed indented tripartite, made of all the foreſaid lands, to the foreſaid H. S. with diuers remainders ouer, as in the ſame deed more plainly appeareth. And alſo to do all and euery thing and things, in and about the ſame, as ſhall bee thought expedient, as fully, and in as large manner, as though I the ſaid I. L. were perſonally preſent. In witnes wherof to this my preſent writing, I haue ſet my ſeale, and ſubſcribed my name, the day of &c. in the yeare of the raigne of our ſouereigne Lord. Sect. 540.

A Warrant of Atturney to receiue poſſeſſion.

TO all Chriſtian people to whome this preſent writing ſhall come, A. B. of L. in the Countie of P. Eſquire, ſendeth greeting in our Lord God euerlaſting. Know yee that I the ſaide A. for diuers and ſundrie good, ſufficient, and reaſonable cauſes mee Sect. 541.

thereunto ſpecially moouing, haue authoꝛized, conſtituted, oꝛdained, and in my place put my well beloued in Chꝛiſt R. Y. of N. in the county of Y. gent. my faithfull and vndoubted Atturney, to enter foꝛ me, and in my name, into the meſuage of N. and into all and ſingular lands, tenements, cloſes, meadowes, feedings, and paſtures, and all other appurtenances thereunto belonging, in the county of Y. late parcel of the poſſeſſiõs of the late diſſolued monaſterie of W. in the ſaid county of Y. which I the ſaid A. haue of the leaſe and demiſe of R. L. of L. in the ſaid countie of Y. and the poſſeſſion of all and ſingular the premiſſes, to take foꝛ me, and in my name, and to my vſe and behoofe: And the poſſeſſion thereof taken, and had, to retaine, hire, ſet, place, and appoint one Bailife oꝛ Ouerſeer, into, and vpon the ſaid meſuage, and other the lands and tenements with their appurtenances afoꝛeſaid. And alſo all other ſeruants, oꝛ laboꝛers, neceſſarie feꝛ the ſure keeping, occupying, manuring, and vſing of the premiſſes, and euery parcell thereof, foꝛ the moſt auaile, commoditie, and aduantage of me the ſaid A. ratifying, appꝛouing, and confirming whatſoeuer my ſaid Atturney ſhall do in the premiſſes, oꝛ any of them. And allowing all and euery act and acts, ſo done by the ſaid Atturney, to be as effectuall and ſufficient in law, concerning the premiſſes, oꝛ any part thereof againſt me, oꝛ any other perſon oꝛ perſons, as I myſelfe were preſent, and had done the ſame. In witnes &c.

A Warrant of Atturney to releaſe a priſoner.

Sect. 542

TO all Chriſtian people to whom &c. Y. D. of A. in the Countie of G. gent. and R. Y. of B. in the ſaid countie yeoman, ſend greeting in our Lord God euerlaſting. Whereas R. D. of Y. in the countie afoꝛeſaid Eſquire, adminiſtratoꝛ of the goods and cattels of Y. D. knight, his father deceaſed, by his ſufficient writing, bearing date the day of &c. hath giuen vnto vs the ſaid Y. and R. by the names of his well beloued kinſman Y. D. ſeruant to the right honourable Sir R. S. knight, and his ſeruant R. Y. his true and lawfull Atturneys, and to either of vs iointly and ſeuerally, full power and authoꝛity foꝛ him, and in his name, to releaſe, diſcharge, remit, and inlarge one W. Y. late of Y. in the ſaid countie of C. Eſquire, who lyeth priſoner in the Fleete, and ſo hath continued by the ſpace of theſe &c. yeares, being committed to the ſame priſon, by the late Lord W. then Chaunceller of &c. foꝛ that the ſaid W. Y. refuſed to ſtand to the oꝛder of the ſayd L. W. concerning a ſtatute merchant, knowledged befoꝛe the time by the ſaid W. vnto the ſaid Y. D. befoꝛe the Maioꝛ of the citie of C. foꝛ

the

the time being: And further to doe all and ſingular act and acts, thing and things whatſoeuer it were, for, and in the name, and behalfe of the ſaid R.D. either before the Lord Chancellor of England, or before any other Iuſtice or Iuſtices, within this realme, that may be thought conuenient, expedient, or neceſſarie for the enlargement, or releaſement of the ſaid W.Y. as if the ſaid R.D. had bin preſent in perſon himſelfe, to do, execute, and conclude the ſame: allowing, ratifying, and confirming for him, his heires, executors, and adminiſtrators, whatſoeuer were the ſaid Y. and R. ſhould do in the premiſſes, abſolutely without condition; to all intents and purpoſes, as by the ſame writing more plainely doth and may appeare: Now know ye, that we the ſaid Y.D. and R.Y. vpon due conſideration had of all things, touching or concerning the premiſſes, haue by force of the ſaid letter or writing of Atturney, and by vertue and authoritie of the ſame, for and in the name of the ſaid R.D. releaſed, diſcharged, and remitted, and by theſe preſents do releaſe, diſcharge, and remit the ſaid W.Y. not only of the ſaid ſtatute merchant, and of al executions, ſuits, quarrels, debates, and demands concerning the ſame, and of all other debts, ſuits, quarrels, debates, and demands, that the R.D. hath or may haue againſt the ſaid W.Y. for and concerning the ſaid ſtatute, but alſo we the ſaid Y.G. and R.Y. for and in the name of the ſaid R.D. are contented and agreed, that the ſaid W.Y. ſhal be diſmiſſed and diſcharged out of the priſon of the ſaid Fleet, and ſet at his full libertie, and not be detained there any longer, neither for, or concerning the ſaid ſtatute, or by force of the ſaid order, or commaundement of the ſaid late Lord W. or for any other matter or cauſe whatſoeuer, that is depending betweene the ſaid R.D. and the ſaid W.Y. before the date of theſe preſents. In witneſſe &c.

A Warrant of Atturney to proſecute all actions, &c.

THis Indenture &c. Betweene I.S. of D. of the one party, and I. D. of C. of the other partie, Witneſſeth, that the ſaid I.S. hath conſtituted, made or ordained, and by theſe preſents doth conſtitute, ordaine and make the ſaid I. D. his lawfull and generall Atturney from henceforth to commence, bring, ſue and proſecute for him and in his name all manner of actions, as well reall as perſonall, as well writ, bill, plaint, or otherwiſe in any Court or Courts of Records, Court of requeſts, or in any other Court or place whatſoeuer with- Sect. 543.

in this Realme of England, and the same actions and suits and every of them to prosecute and follow, for, and in the name of the sayde I.S. in as large and ample manner as the sayde I.S. might doe if the same were by him in proper person commenced, sued, or taken. And further the sayde I.S. by these presents doth also constitute, ordayne, and make the sayde I.D. his lawfull and generall Atturney to appeare, make annswere, and to defend for him, and in his name in all manner of Actions and Suites whatsoeuer they bee, which is, or at any time hereafter shall bee commenced, sued or taken against the sayde I.S. by any person or persons whatsoeuer, and all thinges that the sayde I.D. shall doe or make as Atturney vnto the sayde I.S. the sayde I.S. by these presents doth ratifie and approoue the same to bee his verie actuall Deede. And further the sayde I.S. doth constitute, make, authorize, and appoint the saide I.D. to bee his generall Steward of all his Landes, Tenements, and Hereditaments in the Counties of C.D. and E. or elsewhere within the Realme of England to vse and occupie the sayde Office of Generall Steward by himselfe, or by his sufficient Deputies, during the pleasure of the saide I.S. And the saide I.S. doth also by these presents giue full power and authoritie vnto the said I.D. and such Deputie and Deputies as the saide I.D. hereafter shall name and appoint, to receiue and take, and to admitte one Tenaunt or Tenaunts by Copie of Court Roll, according to the customes of the Manours aforesaid, or anie of them, and also to take and assesse any Fine or Fines, vpon Tenaunt or Copyholder of the sayde Manours, Landes, and Tenementes, or any part or parcell thereof vpon any interest, cause of forfeiture, surrender, or for the breach of any Condition or otherwise by any vnlawfull way or meanes whatsoeuer. And what thing the sayde I.D. his Deputie or Deputies shall doe, for and in the name of the sayde I.S. in executing and doing of the premisses appointed vnto the office of the Generall Steward, the sayde I.S. doth ratifie and approoue the same to bee his owne actuall deede. And the sayde I.S. for him and his heires by these presents doth also giue full power and authoritie vnto the sayde I.D. from time to time hereafter to demise, set, and let to farme for and in the name of the saide I.S. such part and parcell of his sayde Manours, Landes, and Tenements as to the sayde I.D. shall seeme meete and conuenient to bee demised and letten to farme to any person or persons for and during the terme of yeares from the making

of

of ſuch leaſe and demiſe, and not aboue, reſeruing vpon any ſuch leaſe and demiſe ſuch yearely rent, and taking ſuch fine for the ſame to the vſe of the ſaid I.S. as the ſaid I.D. ſhall thinke meete and conuenient to bee payed and reſerued for the ſame. And the ſaid I.S. doth further conſtitute, ordaine, and make the ſayd I.D. to be his Receyuer generall of all his Landes, Tenements, Rents, Reuerſions, Profits, Debtes, and ſummes of money, whatſoeuer they bee, or which hereafter ſhall or may in any wiſe bee due vnto the ſayde I.S. And that the ſayd I.D. by theſe preſents ſhall haue full power and authoritie to receiue and take to the vſe of the ſaid I.S. at the handes of all and euerie the Tenaunts, Farmours, Bayliſes, and Debtors of the ſaid I.S. all and euerie ſuch ſumme or ſummes of money as now is, or that hereafter by anie way or meanes ſhall bee due to the ſaide I.S. And the ſayde I.S. doth further authorize the ſaide I.D. by theſe preſents, and to him doth giue full power and authoritie, that he the ſayd I.D. vpon receipt of any ſumme or ſummes of money, ſo by him hereafter to bee receiued, ſhall and may make ſuch lawfull diſcharge for the ſame, by Deede, Releaſe, or Acquitance, in the name of the ſayde I.S. or elſe by deliuering or cancelling of any writting Obligatorie, or by any other wayes or meanes, as by the ſame I.D. from time to time ſhall bee thought meete and conuenient to bee had, made, and done. And whatſoeuer Deede or Deedes, Releaſe, Acquitance, or other diſcharge, which the ſayde I.D. ſhall make, ſeale, and deliuer for cancelling of any writing Obligatorie, or by any other waie or meanes, as by the ſaid I.S. from time to time ſhall bee thought meete and conuenient to bee had, made, or done, and whatſoeuer Deede or Deedes, Releaſe, Acquitance, or other diſcharge, which the ſaid I.D. ſhall make, ſeale, or deliuer, for, and in the name of the ſaid I.S. touching, or in any wiſe concerning the premiſſes, the ſaide I.S. for him, his Executors and Adminiſtrators, doth by theſe preſents from time to time ratifie, approoue, and confirme the ſame to bee his lawfull Act and Deede. And the ſaide I.S. doth further authorize the ſaid I.D. by theſe preſents, that the ſaide I.D. ſhall and may from time to time hereafter take accompt of all and euerie his Tenaunts, Farmers, Bayliſes, Rentgatherers, and other Officers of the ſayde I.S. whatſoeuer they bee, of, and for the Rents, Reuenues, and Profites, or ſummes of money by them, or any of them, receiued to the vſe of the ſaide I.S. or which they or any of them ſhall hereafter receiue to the vſe of the ſayde I.S.

And that hee the said I.D. vpon euery such accompt so by him to bee taken, or by the receit of any such rent, profit, or summes of money by him to bee had by the hands of the said Farmors, Baylifes, Tenants, Rentgatherers, or other Officers, to the vse of the said I.S. shall and may by vertue hereof giue vnto euerie such Farmor or Bailifes, of whom hee shall take any such accompt, or receiue any such rents, reuenues, profits, debts, or summes of money, allowance, for, and in the name of the said I.S. of so much, and of such part and portion of the said rents, reuenues, &c. as to the said I.D. by his discretion shall bee thought meete and reasonable to bee giuen and allowed, and that euery such allowance of euerie such summe or summes of money hereafter by the said I.D. to be had, made, and giuen, shall be as good and effectuall in the law, to all intents and purposes against the said I.S. his executors and administrators, and euerie of them, as though the same allowance had bene had, made, and giuen by the sayd I.S. in his owne proper person. And further the said I.S. doth giue full power and authoritie vnto the said I.D. at all and euerie time and times hereafter to make paiment and deliuerie, for, and in the name of the saide I.S. of euerie such summe or summes of money as the saide I.D. by a letter or writing subscribed with the hand of the sayd I.S. shall bee commaunded, assigned, appointed, or required to pay or deliuer either vnto the sayde I.S. or to any other person or persons whatsoeuer they bee. And the said I.S. doth further graunt by these presents, that when and as often as the said I.D. at any time hereafter shall make any payment or deliuerie out of his hands of all the sayd rents, receits, and summes of money hereafter by him to bee receiued to the vse of the said I.S. or any part or parcell thereof by vertue or authoritie of any such writing, or letter subscribed with the hand of the said I.S. That then the said I.D. his executors or administrators, after such payment and deliuerie of any such summe or summes of money, shall be thereof, and of euery part thereof cleerely discharged against the said I.S. his executors and administratours by these presents. And further, the said I.S. for him and his heires by these presents, doth giue full power and authoritie to the sayde I.D. cleerely to bargaine and sell all that his Manour of S. in the Countie of L. and all other messuages, landes, tenements, and hereditaments in S. aforesaid, or elsewhere, in the said Countie of L. or any part or parcell thereof, as the said I.D. at any time or times hereafter shall thinke meete and conuenient to be sold, and for such summe or summes of money, as the said I.D. shall thinke meet to bee taken

for

for the same to the vse of the said I.S. And what bargaine, contract, or sale soeuer the said I.D. shall conclude and agree with any person or persons of the said Manour, or any part or parcell thereof, the said I.S. doth giue his full consent thereunto, and the same doth ratifie, approue and confirme by these presents. And further, the said I.S doth constitute and ordaine the said I.D. to bee his Surueyor of his Manours, landes, tenements, and hereditaments whatsoeuer they bee within the realme of England, and doth giue full power and authority vnto the said I.D. to make such profite and commoditie of the sayde Manors, lands, tenements, and hereditaments, and euery part therof, as well in wood, sales and selling of woods and vnderwoods, in, and vpon the premisses, or any part thereof, and also by all other reasonable wayes and meanes which the said I.D. shall thinke most meete and conuenient to be had, made, and done, for the profit and commodity of the said I.S. And moreouer, the said I.S. doth giue ful power and authoritie vnto the said I.D. by these presents, that he the said I.D. shall and may at all time and times, and from time to time hereafter, do or make, or cause to be done or made, for, and in the name of the said I.S. all and euery such act and thing whatsoeuer it be, which the said I.D by any letter or writing subscribed with the hand of the said I.S. shall at any time hereafter be commaunded, required, willed, or desired, to make, or doe for the said I.S. And whatsoeuer act, deed, or thing which the said I.D. shall at any time or times hereafter do or make, or cause to be done or made, for, and in the name of the said I.S. by force of any these presents, any such writing or letter, according to the effect, tenor, and true meaning of these presents, the said I.S. doth ratifie, approue, allow, and confirme the same, and euery act, thing, and deed whatsoeuer hereafter to be had, made, or done, to be his lawfull act and deed, and to be good and effectuall in the law, to all intents and purposes, to, and against the said I.S. his heires, executors, and administrators, by vertue of these presents.

A Warrant of Atturney to reuoke administration.

PAteat vniuersis per presentes, quod cum nobilis fœmina domina Elizab. relicta nuper prænobilis viri G. Comitis S. nuper Comitis Mareschalli Angliæ defuncti, administrat̃ omnium & singulorum bonorum iurium & creditor̃ et catallor̃, quæ fuer̃ dicti nuper prenobilis viri tempore mortis suæ infra iurisdictionem Reuerendissimi Sect. 544.

diſſimi in Chriſto patris & dñi I. prouidentia diuina E. Archiep̄i A. primatis & Metropolitani exiſtent̄, ipſi præfat̄ dominæ E. authoritate dicti dñi patris de facto committi, ipſamque adminiſtraticem eorundem bonorum & cęterorum p̄miſſorum ordinari & conſtitui, procurauerit & obtinuerit: Nunc ego G. Comes S. filius & hæres dicti nuper prænobilis viri p̄ris mei defuncti, dilectos mihi in Chriſto I. S. I. B. W. F. & E. F. notarios publicos almæ curiæ Conſiſt' E. procuratores generales meos, certos, legitimos, & indubitat̄ actores, factores, procuratores negotiorumque meorum geſtores & nuntios ſpeciales ac generales ad infraſcript̄, nomino, ordino, facio, & conſtituo per præſentes: Dans & concedens eiſdem ꝓcuratoribus meis coniunctim & eorum cuilibet per ſe diuiſum & inſolid̄, Ita quod non ſit melior condic' occupañ, nec deterior ſubſequeñ, ſed quod vnus eorum inceperit id eorum aliquis per ſe libere ꝓſequi valeat pariter & finire, poteſtatem generalem & mandat̄ ſpeciale pro me, ac vice, loco & nomine meis, coram venerabilibus viris Mr̄o I. B. legum doctore, & M. S. artium mr̄o, tam almæ curiæ prærog. Archiep̄i E. cuſtodibus, magiſtris, ſiue Commiſſarijs, quam etiam Scaccarij dicti reuerendiſſimi patris Commiſſar̄, ſeu eorum altero, vel eorum ſeu alterius eorum ſurrogato ſiue deputato, aut alio iudice in hac ꝑte competent̄ quocunque comparend̄ & intereſſend̄, mequè à ꝑſonali comparation̄ in ea ꝑte excuſandi, ac cauſam & cauſas abſentiæ meæ hm̄odi allegand̄, proponend̄, probandi, dictamque adminiſtr̄ & l̄ras deſuper fact' & obtent̄, poteſtatemque quamcunque dictę dñę Eliz. in ea ꝑte quomodo libet conceſſam & commiſſam reuocari, caſſari, & ad om̄ñ iuris & facti effect̄, annullari, ipſamque admiñ om̄ñ & ſingul̄ boñ iur̄ & creditor̄, & catallor̄ nondum adminiſtr̄ (quæ fuerunt dicti nuper patris mei defuncti tempore mortis ſuæ infra prouinciā E. exiſtent̄) ip'umq; & teſtament̄ ſiue vltimam voluntatem ſuam qualitercunq; tangent̄ & concernent̄, mihi p̄fat̄ G. conſtit̄, vnà cum dicto teſtament̄ ſiue vltima voluntate annex': ac in complement̄ illius teſtamenti, ac iuxta formam, effect', & intentionem eiuſdem diſponend̄ decerni & committi, petendi, requirendi, & obtinend̄, iuramentumque tam de fideli adminiſtr̄ eorund̄ bonorū, iurium, creditor̄, & catallorum omnium & ſingulorū quatenus ad manus nr̄as peruenerint, ſiue peruenire poterint, quam de fideli & pleno inuentar̄, veroque pleno & fideli compot̄, calculo, ſiue ratiocinio de eadem adminiſtr̄ mea, ac bonis & cæteris p̄miſſis ꝓ loco & tempore congruis & opportunis reddend̄ & exhibend̄ pro me, ac in animam meam præſtand̄ & ſubeund̄, ipſumque inuentarium & compot̄ prædict̄ exhibend̄ & reddend̄, ac me ab vlteriori compot̄, calculo, ſiue

ratio-

ratiocinij in ea parte redditione finaliter dimitti abſolui & liberari petendi, beneficium inſuper abſolutionis à quibuſcunque ſuſpenc', excommunic' ſiue interdictionis ſ̃nis latis ſeu fiend' mihi impend' penend' & obtinend'. Quodcunque etiam juramen̄t licitum & honeſtum in animam meam quoties & quando opus fuerit ſubeund' & præſtand', Et generalia omnia & ſingula alia faciend', exequend', procurand' & expediend' quæ in p̄miſſis aut circa ea neceſſaria fuerint ſeu quomodolibet opportuna, etiam ſi mandat̄ de ſe magis exigant ſpeciale quam ſuperius eſt expreſſum. Promittoque me ratum gratum & firmum perpetuo habiturum totum & quicquid dicti procuratores mei coniunctim vel diuiſim in præmiſſis ſeu eorum aliquo fecerit aut fecerint ſub hypotheca & obligation̄ omnium & ſinguloꝝ bonoꝝ meorum, & cautionem in ea parte expono per præſentes. In cuius rei teſtimonium (quia meum non eſt autenticum) ideo ſigillum capituli eccleſiæ collegiatæ beatæ M. de. S. in com̄ M. quæ ad cauſas vtuntur, præſentibus apponi procurauī. Et nos capitulum antedictum ad petition̄ partis dicti prænobilis viri domini G. comitis S. conſtituen̄t, ſigillum noſtrum præd' præſentibus apponi fecimus. Dat̄ &c.

Adminiſtration graunted by the Archbiſhop of Canterburie vpon renuntiation, thinteſtate hauing goods in diuers Dioces.

IOhann̄ prouidentia diu̇a Cant' Archiep̄ totius Angliæ prim̄ & Metropolitanus dilect' nobis in Chriſto prænobil' viro domin̄ G. com̄ moderno S. filio naturall & legitimo dīu G. nuper comitis S. & com̄ Mareſchalli Angliæ præclarique ordinis garterij militis def. Salutem. Cum idem dn̄us G. def. habens dum vixit & mortis ſuæ tempoꝝ bona jura ſiue credita in diuerſis dioceſib. ſiue Iuriſdictionibus ſuum, dum egit in humanis, rite & legitime condiderit teſtamentū ſuum in ſe continens vltimam voluntatem, in quo ſiue qua E. T. & H. T. armig' filios ſuos naturales & legitimos nominauerit ordinauerit, fecerit & conſtituerit executores. Qui quidem executoꝝ ex certis cauſis animos ſuos in hac parte iuſte mouent̄ oneri execuc' dict' teſtamen̄t expreſſè renunciauerunt. Cuius p̄textu omnium & ſingulorum boneꝝ jurium & creditorum antedict' def. planeria diſpoſitio adminiſtrationiſque eorundem Commiſſio, Necnon compi. calculi ſiue ratiocinij adminiſtrationis huiuſmodi auditio finaliſque libertat̄ ſiue dimiſſio ab eadem ad nos ſolum & in ſolidum & non ad alium nobis inferiorem judicem notoriæ dignoſcuntur pertinere. Nos Sect. 545.

vero,

vero affectantes vt bona iura & credita dict' defuncti bene ac fideliter administrentur dictũq; testamentũ perimpleatur, suũq; debitũ sorciat effectũ, Ad administrand' igit bona iura & credita hmodi iuxt' tenorẽ et effectũ testam̃ti supradicti præsentib⁹ annex' ac bene & fidelit' disponend' de eisd', Necnon credita quæcunq; dict' def. petend', colligend', leuand' & exigend' q̃ ad eundem def. dũ vixerit et mortis suæ tempore pertinuerũt, Ac primo de soluend' es alienũ in quo idem def. hmodi mort' suæ tempore extitit obligatus, deinde legata in dict' testament' p̃sentib⁹ (vt p̃fertur) annex' contenta & specificata, quaten⁹ boñ iur' et credita sua hmodi ad hoc extendant iuxta ratam eorund', Tibi de cuius fidelitat' in hac parte confidimus de bene & fidelit' administrand' ead', Ac de pleno et fidel' inuentor' oium & singulor' bonor' iurium & creditorũ hmodi conficiend', Et illud in curiã p̃rogatiuę nr̃ę Cant' secundo die post festũ Asceñ dñi nr̃i ꝓxim̃ futur' exhibeñ. Necnon de pleno et vero Compo, calculo siue ratiocinio in ea parte reddend' ad sancta dei Euangelia in person̄ mr̃i G.C. notarij publici ꝓcurat' tui in hac pte legitim̃ constituț iurat' plenã tenore p̃sentiũ committ' potestatẽ. Teq; administratorẽ oium & singulor' bonor' iuriũ & creditorum hmodi ordinauim⁹ deputamus, et constituimus per p̃sentes. Datũ Londoñ 23. D. Anno 1560. Et nr̃æ translationis Añ 8.

A Letter of Atturney to exhibit a Will and Inuentorie and take administration and accompt.

Sect. 546. PAteat vniuersis per p̃sentes q⁹ ego dominus G. Comes S. ac filius naturalis & legitimus domini G. nuper Comitis S. defunct' habentis dum vixit & mortis suæ tempore boñ iur' siue credita in diuersis dioces. siue iurisdictionibus dilectos mihi in Christo I.L. T.W. E.F. & C. & G.C. notarios publicos almę Cur' Cant. de Arch. Lond' procuratores generales meos veros, certos, legitimos, et indubitatos procuratores, actores, factores negotiorumq; meor' gestores et nuncios speciales ordino, facio, & constituo per præsentes, Doq; et concedo eisdẽ procuratoribus meis coniunct' et eorum cuilibet per se diuisim potestatem generalem et mandat' special' pro me et nomine meo coram Cur' p̃rogat' Cant' mag' custod' siue commissario eiusdem surrogato aut alio Iudice in hac parte competenti quocunque comparendi meq; à personali comparatione excusandi

ſandi, ac cõm & cauſas abſentię meę hmodi allegend proponend et proband teſtamentumq; ſiue vltimam voluntatem dicti def. in ſcript reduct' exhibendi, et adminiſtr omnium & ſinguloꝝ bonorum iur & creditorum eiuſdē def. vna cum teſt' & vltima voluntate hmodi annex' mihi committi petend & obtinend iuramentumq; tam de fideli adminiſtrac' omnium & ſingulorum bonorum iur & creditorũ hmodi per me obeund, quam de fidel Inuentario, Necnon plano & vero comp calculo & ratiocinio oium et ſingulorum bonorum iur & creditorum hmodi per me reddend & exhibend pro loco & tempore congruis & opportunis in añam meam ſubeund & præſtand. Inuentariũ etiam compotum calculum ſiue ratiõ hmodi nomiñ meo exhibend & introducend, ac me ab vlteriori comp bonorum iurium & creditor hmodi redditione dimitti petend et obtinend beneficiũ inſuper abſolutionis a quibuſcunque ſuſpencionis, excommunicationis, vel interdict' ſmijs in me qualitercunque latis mihi impendi, petend, & obtinend, & quodcunq; iurament de iure in ea p̃te requiſitũ in añam meã præſtand & ſubeund. Et generaĩ omnia & ſingula alia faciend, exercend, et expediend quæ in præmiſſis, aut circa ea neceſſaria fuerint, ſeu quomodolibet oportuna etiamſi mandat de ſe magis exigant ſpeciale, quam ſuperius eſt expreſſum. Promittoque me ratum, gratum, & firm perpetuo habiturum totum & quicquid dicti procuratores mei fecerint, ſeu eorum aliquis fecerit in hac parte ſub hypotheca & obligatione omnium & ſingulorum bonorũ meorum, et in ea parte cautionem expono per præſentes. In cui' rei teſtim ſigillũ exemptę iuriſdictionis præbendarij Præbend de B. preſentib' apponi procuraui. Et nos Præbendarius antedictus ad ſpecialem rogatum dicti conſtituen ſigill noſtrũ hmodi p̃ſentibus appoſuimus. Datũ xxiij. die menſis Decembris Anno dom &c.

Licences.

A Placard or Licence for a Croſſebow.

ELizabeth &c. To all manner our Officers, Miniſters, and ſubiects, of what eſtate, degree, or condition soeuer they bee, theſe Sect. 347.
our letters hearing, ſeeing, and to euerie of them greeting. Albeit that by the authoritie of our high Court of Parliament it is ordeined and enacted, that no maner of perſon upon certaine penaltie

ſhall

shall without our speciall licence, vse or occupie any Crossebow within this our Realme, except hee be a Lord, or that hee or any other person or persons to his vse haue lands of freehold to the yearely value or extent of one hundred pounds, above all charges and reprises, as in the said Act it is expressed more at large: Yet wee nevertheless, of our grace speciall for certaine causes and considerations vs moouing, haue by these presents licenced our welbeloued I. W. to occupy and exercise his Crossebow at his libertie, without any penaltie or forfeiture sustaining in that behalfe: the said act or any other acts heretofore made or passed to the contrarie notwithstanding. Wherefore we will and command you, and euerie of you, to permit and suffer the same I. to vse and inioy the whole effect of this our licence without any your disturbance or interruption to the contrarie. Prouided alwayes, that vnder colour hereof, he in no wise vse his Crossebow within our Forests, Parks, or Chaces, to the diminishing of our Deere or game within the same, vpon penaltie of the Statute in such case prouided and ordained. Giuen vnder our Signet the &c.

Another Plasard for a Crossebow.

Sect. 548. ELizabeth &c. *(vt supra)* greeting. Wee let you to wit, that by these presents we haue licenced our welbeloued subiect R. not only to occupie and exercise shooting in his Crossebow in all places from henceforth at his libertie: but also to haue, keepe, and retaine the same in his house, or elsewhere at his libertie and pleasure, without any penaltie or forfeiture sustaining in that behalfe. Wherefore we will and command you &c.

A Licence for Apparrell, and to shoot in Crossebowes and Handguns.

Sect. 549. REgina &c. Sciatis quod nos de gratia nostra speciali, ac ex certa scientia & mero motu nostris, concessimus & licentiam dedimus W. B. armigero, quod ipse durante vita sua ad libitum & voluntatē suam vti, exercere, & gaudere quibuscunque vest', apparat' & cathen': Necnon sagittare in quibuscunque arcubus vocat' Crossebowes, ac in bombardis vocatis Handgunnes, & eas custodire tam in domibus, & aliter, sicut aliquis legeus nostr', terras & tenta habens ad annuum valorem centum libr' ad terminum vitæ, exercere, sagitare, custodire, & gaudere, licitè & impunè valeat & possit, absque aliqua forisf. pœna,

sive

ſiue depardito, & abſq; perturbatione, moleſtatione, inquietatione, impedimento ſeu grauamine quocunq; aliquibus ſtatutis, ꝓuiſionibus, ſiue reſtrictionibus inde fact', ẽditis, ordinat' ſiue ꝓuiſis non obſtantib'. In cuius rei teſtimoñ has literas noſtras fieri fecimus patentes, Teſte me ipſa apud Weſtm̃ &c.

A Licence to retaine men.

REx omnibus &c. Sciatis q̃ nos de gratia noſtra ſpeciali, ac ex certa ſcientia & mero motu nr̃is dedim' & conceſſimus, ac p̃ p̃ſentes damus & concedim̃ dilect' & fidel' nr̃o T. N. Militi, vni Iuſticiar' noſtror̃ de communi banco, hanc libertat̃ q̃ ipſe durante vita ſua ad placit' ſuũ de tempore in tempus legitime et impune retinere poſſit xx. homines quouſcunq; p̃ alĩq; ſcript', ſacram̃, promiſſioñ ſiue aliquo alio modo quocunq; & eiſd̃ xx. hominib' dare poſſit xx. liberatas panellor̃ vel ſigna vel Bageas, cuicunq; qui de ipſo habere voluerint eaſd̃ liberatas ſigna vel Bageas, ſiue aliqua ſeu aliquas ad ipſũ ſeruiendũ, licet non ſint nec fuerint, nec ſit nec fuerit balliui ſeu balliu' ipſius T. E. Et etiã licet non ſint nec fuerint, nec ſit nec fuerit cũ ipſo T. E. retentus ad ipſũ ſeruiend' in hoſpitio ſuo ſiue aliter, & eiſd̃ xx. hominibus concedimus & eor̃ cuilibet authoritatem & poteſtat̃ recipiend' & vtend' eiſd̃ liberat' ſign̄ vel Bageis. Hãbend', tenend', & gaudend' p̃d̃ libertat̃ et authorit' pro termino vitæ ſuę, abſq; impedimento, interruptione, moleſtatione, inquietatione, actione vel punitione nr̃i, aut hæredũ nr̃orũ, ac miniſtror̃ & ſubditor̃ noſtror̃ quorũcunq; & abſq; aliqua forisfacturo ſeu indẽpnitate ipſius T. E. ꝓ exercitio, occupatione, ſeu factione p̃miſſor̃: Aliquo ſtatut', actu, ordinatione, ꝓuiſione, ſeu reſtrictione in contrar' ante hæc tempor̃ facto, ẽdito, ſiue prouiſo in aliquo non obſtante, aut aliqua alia cauſa vel materia quacunq; non obſtante. Eo q̃ expreſſa mentio de certitudine p̃miſſor̃, aut de alijs donis ſiue conceſſionibus p̃ nos p̃f. T. ante hæc tẽpora factis in p̃ſentibus minime facta exiſtit, aut aliqua alia re, cauſa vel materia quacunq; non obſtante. In cuius &c. Sect. 550.

Per ipſum Regem & de dato prædicto &c.

A Licence to weare a coppe.

Sect. 551. ELizabeth &c. To all maner our subiects, aswel of spiritual preheminence and dignitie, as of temporall authoritie these our letters hearing or seeing, and euery of them greeting. Forasmuch as we be credibly informed, that our welbeloued T. P. for diuers infirmities which hee hath in his head, cannot conueniently without his great danger be discouered of the same: we let you to wit, that in consideration thereof we haue by these presents licenced him to vse & weare a bonet at all times, aswell in our presence as elswhere at his libertie. Wee therefore wil and command you and euery of you, to permit and suffer him so to do, without any your challenges or interruptions to the contrarie. Giuen vnder our signet at our place at W. the 11. day of P. in the &c.

A Licence to be absent from the Parliament.

Sect. 552. TRustie and welbeloued, wee greet you well, and forasmuch as wee bee informed that yee by reason of your age, impotency, and other sickes, cannot conueniently without great danger, trauell nor labor to our high court of Parliament: Wee therefore in consideration hereof licence you by these presents to take your ease, and to bee absent from our said parliament during the continuance or prorogation of the same Any act, statute, or ordinance heretofore made to the contrary notwithstanding. Giuen &c.

A Licence to be non resident.

Sect. 553. HEnricus octauus Dei gratia Anglię, Franciæ & Hiberniæ Rex, fidei defensor, ac sub Christo in terr̃ eccleſiæ Anglicanę & Hiberñ supremum caput, omnibus ad quos præsent̃ literæ peruener̃ Salut̃, Sciat̃ quod de gratia nostra speciali, dedimus ac concessimus, ac per pr̃sentes damus & concedimus pro nobis & hæredib' nostris, dilecto subdito nostro domino W. B. clerico vicario perpet̃ vicariæ ꝑpetuę siue eccleſię parochial̃ de G. in comit̃ nostro E. Lond̃ dioceſis, vt ipse liber̃ & licit̃ valeat posthæc quocunq; tempore, & quãdiu sibi placuer̃ se absentare a dicta vicaria perpet̃, seu benefic' suo de C. præd', nec teneatur quouismodo in dict̃ beneficio suo corporalem facere reſedentiam, aut personaliter residere quamuis authoritate vel mandato inuitus compelli possit vel cogatur, & hoc absq; perturbatione, vexatione, moleſtatione, vel contradictione aliqua, nostr̃, hæred̃, offic', seu subditorum nostrorum quorumcunque: statuto de residentione cleric' de

de,& sup beneficijs suis in parliamto nro tento apud Westñ an regni nri 21. aut aliquo alio statuto, actu, ordinatione, re, causa, vel materia quacunq;,in contrar ædit in aliquo non obstante &c. In cuius &c.

A Licence to Brew.

WHereas A.Y. of W. in the Countie of D. Husbandman, hath come before vs sir G.F. knight, and F.R. Serieant at Law; two of the Mu. Maiesties Iustices of Peace within the said Countie, and bound themselues in a Recognisance with sufficient sureties, to brew, to sell, and keepe a common Alehouse, according to the Statute of Brewers, made in the first yeare of the raigne of our late Soueraigne Lord and King Edward the first. Now know you vs the said sir G. and F.R. to haue licenced the said A.Y. to brew, to sell, and keep a common Alehouse, according to the said Statute. Giuen vnder our hands the 13. of I. in the 36. yere of the raigne &c. Sect. 554.

A Licence to keepe a Wine Tauerne.

THis Indenture tripartite made &c. Betweene R.E. of W. in the Countie of E. gentleman, deputie and assignee of E.Y. esquire, to execute for him, and in his name, the effect of certain authorities to him giuen, by certain letters patents hereafter mentioned on the one party, and I.D. vintner of R. in ỹ county of Y. of the other party, Witnesseth, That whereas our said soueraigne Lady by her letters patents, dated at Y. Court the 22. day of April, in the 12. yere of her maiesties raign, amongst other things in the same letters patents expressed, hath giuen and granted full and frée liberty, licence, power, and authority vnto the said E.Y. his deputy & deputies, assignée, and assignees, & euery of them that he or they, or any of them, at all and euery time and times hereafter, during the life natural of the said E.Y. shal and may at his and their libertie and pleasure, and for such conuocations and summes of mony to be paied to his and their onely vse, as to him or any of them shall bee thought most méete and conuenient, giue and graunt full and frée libertie, licence, power, and authoritie, to such person and persons which now be, or hereafter shall be nominated, assigned, or appointed by writing tripartite indented, betweene the said E.Y. his sayde deputie or deputies, assignée or assignees on the one partie, and euery of the same person and persons, which now be, or hereafter shall bee nominated, assigned, or appointed by the said E.Y. his deputie or assignes, or Sect. 555.

any of them of the other part, whereof euery part of the same Indentures shall bee sealed and deliuered by the said parties, And the one part thereof shall bee certified and deliuered into our sayd Soueraigne Ladie the Queenes Court of C to keepe a Tauerne or Tauernes, or to sell and vtter, ingrosse and retaile wine and wines, by the gallon, or lesse or greater measure. And that all and euery the sayd person and persons now nominated, assigned, or appointed, or which shall be nominated, assigned, or appointed, as is aforesaid, and euerie or any of them, shall and lawfully may, during the naturall life of any and euery of the said person and persons so nominated, appointed, or assigned, or which shall bee so nominated, assigned or appointed, buy, sell, vtter, ingrosse, and retaile by the Gallon, or lesser or greater measure, all and euerie good and wholesome wine and wines, of what nature, kinde, or name soeuer the same bee, in the Cities, Townes or places, where her or they shall bee so assigned or appointed, as is aboue mentioned, at his and their pleasure, and at, and for what price and prices whatsoeuer, to his and their most profit and commoditie. The Statute made in the seuenth yeare of the late king Edward the first, or any other law, statute, proclamation, restraints, limitation of price, or other things whatsoeuer, to the contrary in any wise notwithstanding, with the further power, licence, libertie, and authoritie of our sayd Soueraigne Ladie, in the saide Letters Patents expressed, set forth, and declared in euery behalfe, and to euerie intent and purpose, and for the naturall liues of such person and persons, as shall bee licenced and authorized by the said E. Y. or his sayd deputie, assignee, or any of them, as by the purport, true intent, signification, and meaning of the said writing tripartite Indented shall bee contained and mentioned, to bee giuen and graunted vnto them by the said E. Y. or his saide deputie or deputies, assignee or assignees, by vertue, force, and authoritie of the same Letters Patents, and by the same Letters Patents more amply, fully, and at large appeareth. By authoritie and vertue of which Letters Patents the said E. Y. by his writing of deputation, dated the third of May, in the twelfth yeare aforesaid, remaining of Record inrolled in the Court of our said Soueraigne Ladie in her Chancerie, hath constituted, ordained, and made the sayd R. E. his deputie and assignee, of, and for the execution of the same Letters Patents. In accomplishment and execution of which Letters Patents and deputation, and for, and in consideration of a summe of money concluded, agreed, &c. by the sayd I. D. to the said E. Y. the said R. E. as deputy and

assignee

aſſigne of E.H. and for, and in the name of the ſaid E.H. by force and authorities of the ſaid Letters Patents, doth by theſe preſents nominate, aſſigne, and appoint the ſaid I.D. his ſeruants, deputies, and aſſignees: And alſo by vertue of the ſaid Letters Patents, as deputie of the ſaid E.H. doth giue and graunt full and free libertie, licence, power, and authoritie vnto the ſaid I.D. his ſeruants, deputies and aſſignees, or any of them, to haue, vſe, and keepe one Tauerne or Wine-celler within the ſaid towne, during his naturall life, aſwell within his monſion houſe, as otherwiſe within the ſaid towne, and to buy, ſell, vtter, ingroſſe, by retaile, by the gallon, or leſſe, or greater meaſure, all and euery good and wholeſome wine and wines, of what nature, kinde, or name ſoeuer the ſame ſhall be, at his and their pleaſure, at theſe prices hereafter mentioned: that is to ſaie, French Wines, Gaſcoigne, Guien, Rochell, and ſuch like, as ſhall not exceede the prices of 16. pence the gallon, and all other wines at two ſhillings the gallon, ſaue onely Muſkadell, which ſhall be at two ſhillings eight pence the gallon, and not aboue: The ſaid ſtatute, or any other law, ſtatute, proclamation, reſtraint, limitation of price, or other thing whatſoeuer to the contrarie in any wiſe notwithſtanding. All which libertie, licence, power, and authoritie, our ſayd ſoueraigne Ladie hath promiſed by the ſaid Letters Patents, for her, her heires and ſucceſſors, not onely, that her Juſtices, Barons of the Exchequer, Serieants at Law, Atturney, and Solicitor generall, and other her learned Councell in the Lawes of this Realme, ſhall and will at all time and times hereafter accept and allow in all and euerie Court and Courts of Record, and other places whatſoeuer, as a good and ſufficient barre, releaſe, and diſcharge againſt her, her heires and ſucceſſours: But alſo the Letters Patents, or the inrollement thereof, and this Indenture tripartite being ſhewed forth, and certified into the ſayde Court of Chauncerie, ſhall bee a ſufficient warrant, to, and for the ſayde I. D. by himſelfe, or iointly with others, hauing the like licence and diſpenſation from the Queene, her heires and ſucceſſours, to haue his or their Letters Patents vnder the great Seale of England, in more and better due forme of Lawe to bee had and made in his and their names, according to the purport and true meaning of theſe Preſents, And alſo to the Lord Chauncellour, and Lord Keeper of the great Seale of England, and to euerie of them for the time beeing, a ſufficient and immediate Warrant, to make, paſſe, and deliuer the ſame Letters

patents vnto the said I.C. vnder the great seale of Engiand, without bearing or paying any other charges then onely such ordinarie fees, for writing, examining, inrolling, and insealing of the same, both at the Signet, priuie Seale, and great Seale, as heretofore hath beene accustomed, so there be not aboue the number of x. persons in any our Letters Patents, to whom the same shalbe made or graunted, Wherefore the said I.C. being now licenced to keepe a Tauerne, and to sell Wines as aforesaid, doth most humbly require, that he may haue the Queenes Highnesse Letters patents vnder the great Seale of England in due forme of Law to him to be made, rendred, and granted, according to the purport, tenor, and effect of this present licence, & according to the true intent and meaning of the said Letters patents before in these presents mentioned. In witnesse whereof, as well the said R.E. with the seale of the said E.H. by him deliuered, as his Seale of office in this behalfe, as ꝑ said I.C. to euery part of the said Indentures haue set their hands and seales the day and yeare aboue said.

A Licence to purchase in Mortmaine.

Sect. 556. REx omnibus ad quos præsentes literæ peruenerint &c. Sciatis qđ nos de gratia nostra speciali, ac ex certa scientia et mero motu nostr̃, ac ob amorem quem erga dilectos nobis in Christo Prior̃ et Conuẽt de R. gerimus & habemus, concessimus, ac licentiam dedimus, ac ꝑ ꝑsentes concedimus, ac licentiam damus pro nobis et hęredibus nostr̃ quantum in nobis est, ꝓfato Priori et Conuentui et eorum successoribus qđ ipsi et successor̃ de tempore in tempus imposterũ, quando eis meli' videbitur expedire, terr̃, tenement̃, et reddit̃, cum suis pertin̄, ad annuũ valorem centum libraꝝ vltra repris. & onera quęcunq; vel infra, de quacunq; ꝑsona siue de quibuscunq; ꝑsonis ea eis dare, concedere, legare, assignare, vel alienare volenti vel volentibus, licet de nobis in capite vel aliter mediat̃ vel immediate, aut de ipso Prioraꝝ siue domo, vel de aliis ꝑson̄ vel ꝑsona teneantur, acquirer̃ & recipere possint: Habend̃ et tenend̃ sibi & successoribus suis in domus suę augmẽtac' siue sustẽtation̄ Et eidem ꝑsonę siue eisdem ꝑsonis q; ipsa vel ipsam terr̃, ten̄t̃, & reddit̃ ꝑd̃ ꝑd̃ Priori & Conuentui & successoribus suis ad annuũ valor̄ ꝑd̃ vel infra, dare, concedere, legare, assignare, vel alienare possint & valeant. Ita semper q; dicti Prior & Conuent̃, vel successor̄ sui infra ann̄ ꝓxim̄ post hũdi ꝓquisition̄, acquisition̄, & reception̄ terraꝝ et tenement̃ ꝑd̃,

ad

ad dictum annuum valor̃, vel ad aliquem alium infra eundem ſibi & ſucceſſoribus ſuis vt præmittitur, fact', dent, & concedant alieni perſonæ ſiue perſonis, & hæred̃ ſuis, cui vel quibus eis placuerit terr̃ & ten̄t ipſor̃ Prioris & Conuentus quæ iam habent & poſſident in iure Priorat̃ ſui præd̃ tanti annualis valoris exiſten̄ vltra omnia onera & repriſ. quanti eadem terr̃ & ten̄t ſic per ipſos Priorem & Conuen̄t ſeu ſucceſſor̃ ſuos adtunc vt præmit̃ perquiſit̃ & recept̃ vltra omnia onera & repriſ. ſe attingant: Statuto de terris & ten̄t ad manum mortuam non ponendis, ædito, ſiue aliquo alio ſtatuto, actu, ſiue ordinatione inde in contrar̃ fact' ordinat̃, ſiue prouiſo in aliquo non obſtante. Nolentes quod prædict' Prior & conuentus vel ſucceſſores, ſui, aut prędict' perſonæ, aut dicta perſona vel hæred̃ ſui vel eorum aliqui per nos, vel hęred̃ noſtros, Iuſticiar̃, Eſchaetor̃, Vicecomites, Coronator̃, aut alios Balliuos ſeu miniſtros noſtros, ſeu dict' hæredum noſtrorum vel ſucceſſ. noſtror̃ quorumcunque ratione prędmiſſorum vel eorum alicuius moleſtentur, inquietentur, ſeu grauentur, nec eor̃ aliquis moleſtetur nec in aliquo grauetur: Et hoc abſque fine ſeu feodo magno vel paruo in hanaperio Cancell' noſtrę vel alibi, ad opus noſtrum pro prędmiſſis, vel aliquo prędmiſſor̃ ſoluend̃ vel faciend̃: Et abſque aliqua inquiſitiõ ſiue inquiſitionibus inde prętextu, vel virtute aliquarum comiſsiõ n̄rar̃, hęred̃ vel ſucceſſor̃ noſtror̃, ſeu alicuius breuis noſtri hęredum vel ſucceſsor̃ noſtrorum in dictam Cancell' noſtram hęredum vel ſucceſſorum noſtrorum ſeu alibi retornand̃, & abſque aliquibus alijs literis noſtris hęredum vel ſucceſſor̃ nor̃ patentibus in hac parte habend̃, impetrand̃, ſeu proſequend̃: aliquo ſtatuto, actu, ordinatione, prouiſione, reſtrictione, ſeu mandato inde in contrarium ante hęc tempora fact' in præſenti minime fact' exiſtit, aut aliqua alia, re, cauſa, vel materia quacunque in aliquo non obſtantibus. In cuius rei teſtimonium &c.

A licence to ſell Ale.

W. R. and E. D. two Iuſtices of the Peace of our Soueraigne Ladie the Queene in the Countie of M. To all Baylifes, Conſtables, and other the Quęenes Maieſties officers, greeting in our Lord God euerlaſting. Know yee that wee the ſaid W. R. and E. D. haue licenſed, and by theſe preſents doe licence G. I. of &c. to ſell Ale in his houſe at G. aforeſaid, for one whole yeare next inſuing the date hereof: And haue bound him by Recogniſance with ſuerties to the Quęenes Maieſties vſe, that they ſhall maintaine good rule, and Sect. 557.

not to vse any vnlawfull games or meetings in his house, but to doe according to the statute prouided in that behalfe. In witnes whereof wee haue subscribed our names, and hereunto haue put our seales the &c. In the 34. yeare of &c.

A Licence to keepe an Alehouse.

Sect. 558. TO all Iustices of peace, Maiors, Sherifs, Bailifs, and all other the M. maiesties officers and subiects to whom it may appertaine, I. W. by the sufferance of God bishop of &c. R. and P. esquires, two Iustices of the peace of our soueraigne lady the M. maiestie in her highnes countie of G. sendeth greeting in our Lord God euerlasting. Know ye, that we the said Iustices, of good and credible report to vs made, aswell by men of worship, as by other honest persons, That I. W. of &c. is a man meet to keep a common alehouse in the house where he now dwelleth, haue licenced, allowed, and admitted, and by these presents doe licence, allow, and admit the said I. W. to keepe a common alehouse or tipling house at P. aforesaid for one whole yeare next insuing the date hereof, so that the said I. W. suffer not any vnlawfull games to be vsed within his said house, nor any euill rule or order to be kept within the same during his time of the said licence, for the vsing of which licence accordingly, we do you to wit, that we haue bound the said I. W. and two other sufficient sureties in a hundred shillings a piece by recognisance to the Queens maiesties vse. In witnes &c.

A Licence to begge.

Sect. 559. I. T. T. C. and I. J. Esquires, Iustices for the conseruation of the peace of our Soueraigne Ladie the Queenes Maiestie within the Countie of &c. assigned, greeting: Whereas the bearer heereof P. P. of B. in the sayd Countie, beeing a verie poore man and blinde, by reason whereof hee is not able to labour, nor yet to liue of himselfe without the charitable relefe of others, and being now resident in the said town is therefore now to be relieued. And being likewise informed that the said towne is at this present charged with more poore and impotent folks than it is well able to relieue: Know ye therefore, that wee the saide Iustices haue licenced and allowed the said poore man and his leader to goe abroad to beg, gather, and receiue the charitable almes of well disposed people, inhabiting within the Hundred of &c. in the said Countie, requiring you not to molest or trouble the said poore man or his leader for so doing, but desiring you rather to relieue them in their

their neceſſitie, as to you ſhall ſeeme méete. This our licence to remaine in force one whole yeare next inſuing the date hereof. In witnes &c.

A Licence to beg out of the towne where he dwelleth.

TO all Conſtables, Bailifes, Tithingmen, and all other the Quéens Maieſties officers within the countie of N. gréeting. Knowye, that we W.R.K.P. and T.H. Eſq. three Juſtices of the peace within the ſaid county, being not onely aduertized, but alſo of our owne knowledge do partly vnderſtand, that there are more impotent people abiding and inhabiting within the ſaid borough of H. than the inhabitants of the ſame are well able to find and relieue: In conſideration whereof, for the eaſe of the ſaid borough, we haue authorized and licenced, and by theſe preſents do licence I.D. one of the ſaid poore folkes to goe abroad out of the ſaid borough vnto G. and C. within &c. aforeſaid, and there within the ſaid pariſh to aſke, beg, and craue the charitable almes and deuotion of the good and well diſpoſed perſons within the ſame townes, from time to time towards his aid, ſuccour, and relieſe, ſo that he do not any thing hereby repugnant or contrarie to the lawes and ſtatuts of this realme, in ſuch caſes late made and prouided. In witnes &c. Sect. 560.

A Licence to buy Hats and Caps beyond Seas, and to ſell them in England.

RIght Reuerend father in God, right truſtie, and right welbeloued, wée greet you well, letting you wit, That wee of our ſpeciall grace for certaine conſiderations vs mouing, haue giuen and granted licence vnto our well beloued ſubiect I. H. of our Citie of L. attending vpon our Court with haberdaſherie wares, that he by himſelfe, his ſeruants, factors, or atturnies, denizens, or ſtrangers, ſhal puruey and buy at one time, or diuers times, as well within this our realme, as in the partes of beyond the ſeas, the number of 500. dozens of Caps, and the number of one hundred dozen of Hats, made and wrought in the ſaid parts of beyond the Seas, of what making ſoeuer they be. And the ſaid hats and caps to ſell vnto vs, and our ſeruants, and to other perſõs repairing to our ſaid court, without any maner of penaltie, forfeiture, or any other loſſe to be had or ſuſtained in that behalfe: any act, ſtatut, prouiſion, or ordinance made to the contrarie notwithſtanding. Prouided alwaies, that wee be duely anſwered of our cuſtomes and duties for all the Cappes and Hatts, as occaſion is. Wherefore wee will and commaund you, that vnder our priuie Seale being in your kéeping, Sect. 561.

ye addresse hereupon our letters vnto our Chancellor of England, commanding him by the same, that vnder our great seale, being in his keeping, he do thereupon our letters patents to be made in due and effectuall form: And these our Letters shalbe herein your warrant. Giuen vnder our Signet at our Manor of &c. the 8. day of December, the 6. yeare of our raigne.

A Licence or Passport.

Sect. 562. SIr I. S. of R. within the countie of D. Knight, one of the Quéenes Maiesties Iustices of peace within the saide Countie, to all Iustices of Peace, Maiors, Bailifes, Constables, and all other her maiesties officers and ministers whatsoeuer, sendeth greeting in our Lord God euerlasting. Forasmuch as the bearer hereof E. P. widow, being brought into great pouertie and necessitie, as well by the late death of her husband, as otherwise, hath desired licence to trauell vnto the city of B. whereas one H. P. porter, and brother to her said husband inhabiteth, by whose goodnesse she hopeth greatly to be relieued and holpen: In consideration whereof, know yee me the said sir I. S. to haue licenced the said E. P. to trauell and passe the direct way from H. within the county of F. whereas she lately dwelled, vnto the said city of B. together with her two little children, so as her iourney be not of longer or further continuance than 15. daies next after the date hereof, praying you, and euery of you to permit, and also to aide and relieue and assist the said E. in her iourney, so that shee shew her selfe in no respect offensiue to her Maiesties Lawes. In witnes &c.

A Licence to make a Parke within the libertie of a Forest.

Sect. 563. REgina omnibus ad quos &c. salutem. Sciatis quod nos de gratia nostra speciali, ac ex certa scientia &c. concessimus, & licentiam dedimus, ac per presentes pro nobis, hæredibus & successoribus nostris concedimus & licentiam damus dilecto nostro I. D. de D. in comitat̃ nostr̃ C. armig', quod ipse, hered', & assign̄ sui imperpetuum, habeant liberam warrenn̄ & libertat̃ parci, ac omnia quæ ad liberam warrenn̄ & libertat̃ parci spectant & pertinent in oĩbus dominicis terr̃ suis manerij sui de D. in dicto comitat̃ nostr̃ C. ac in oĩbus terr̃, prat̃, pastur̃, & hereditament̃ suis, cognit̃ per nomen, vel per nomina de &c. licet terr̃ illę sint infra metas alicuius forestę, vel chaceæ nostr̃. Ita qd̄ nullus Custos, Balliuus, nec aliquis alius officiar̃ nostrorum, hæredum,

vel

vel ſucceſſorum noſtrorum foreſtæ noſtr̃ de &c. in dicto comitatu noſtro C. nec eorum deputatus, vel deputati, ſeruiens, aut ſeruientes vel aliquis alius, ſeu aliqui alij, intrent terr̃ illas ad aliquid fugand̃ vel capiend̃, qd̃ ad warrenñ & parcum pertineat, ſiue licentia & voluntate ipſius I. hæred̃ & aſſignatorum ſuorũ, ſub forisfactura nobis decem librarum. Quare volumus, & pro nobis, hæredibus & ſucceſſoribꝰ noſtris firmiter præcipimus, quod p̃dict̃ I. hæred̃ & aſſignat̃ ſui, imperpetuũ habeant liberam warrenñ & libertat̃ parci, in omnibus predict̃ dominicis, terr̃, prat̃, paſcuis, paſturis, & hęreditament̃ ſuis in D. p̃dict̃, ac in cæter̃ præmiſſ. licet terr̃ illæ ſint infra metas alicuiꝰ foreſtæ, vel chaceæ noſtræ: Ita q̃ nullꝰ Cuſtos, Balliuꝰ, nec aliquis alius officiar̃ noſtr̃ hæred̃ vel ſucceſſ. noſtrorũ foreſtę de &c. p̃d̃, in dicto com̃ noſtro C. nec eorũ deputat̃ vel deputati, ſeruiens aut ſeruientes, nec aliquis alius, vel aliqui alij intrent terr̃ p̃d̃, aut aliquã inde parcell̃ ad fugand̃, capiend̃, vel reducend̃, damas, lepores, cuniculos, phaſianos, perdices, vel aliquod aliud q̃ ad warrenñ & parcũ p̃tineat, ſine licentia & voluntate ipſius I. hæred̃ & aſſignatorũ ſuorũ, ſub p̃ forisfacturam decem librar̃. Ac vlterius de vberiore gratia nr̃a damus, & p̃ nobis, hæred̃, & ſucceſſ. noſtris concedim⁹ p̃f. I. hæred̃ & aſſignat̃ ſuis, q̃ ipſe, hæred̃, & aſſign̄ ſui imperpet̃ ſint immunes & liberi. Et q̃ omnia & ſingula p̃miſſa, ſunt et erunt immunia & libera ab omni iuriſdictione, p̃ſcriptione, controllament̃, conſuetudiñ, libertat̃, priuilegio, ingreſſu, venation̄, fugation̄, &c.

A Licence to teach a Grammer Schoole.

T. By the permiſſion of God Archbiſhop of Y. Primate and Metropolitane of &c. To all true Chriſtian people to whom theſe preſents ſhall come, to be ſeene, read, or heard, ſendeth greeting in our Lord God euerlaſting. Know yee, that wee haue examined W. W. whom wee find to bee ſufficiently inſtructed for his learning and knowledge of the Latin, Greeke, and Hebrew tongues, and likewiſe of good and honeſt behauiour: Wherefore wee haue admitted and authorized him to teach Schoole in any place throughout the whole Dioces of Y. requiring you ſo to take and accept him, ſo long as hee ſhall honeſtly behaue himſelfe, and vertuouſly educate and bring vp the youth of your parithes, or vnto ſuch time as ye ſhall bee otherwiſe commaunded, if by any occaſion the matter ſhall ſo fall out. In witneſſe whereof to theſe preſents we haue cauſed the Seale which wee Sect. 564.

do vse in this behalfe to be put. Giuen the xxv. day of June, An domini 1567.

Licentia ad erigendum Scholam Grammaticalem & Cantus in R. cum appropriatione Ecclesiæ & confirmatione Decani &c.

Sect. 565. EDwardus Dei gratia Rex Angliæ et Franciæ, & Dñs Hiberniæ, Omnibus ad quos præsentes literæ peruenernt, salutem. Sciatis q nos de gratia nostra speciali, & ad humilem supplicationem Reuerendissimi patris T.R. Eborũ Archiepiscop Cancellar nostri Angliæ, pro quadam fine, seu quadam pecuniæ summa nobis per eundem Archiepiscopũ præ manibus solut, concessimus, & licentiã dedimus, ac p presentes concedimus, & damus licentiam pro nobis & hæredib' nostris quantum in nobis est, pfat Archiepiscopo, quod ipse (aut ipso defunct') executores, & assignat sui, aut eorũ aliquis, vel aliqui, ad laudem, honorem, & exaltationẽ glorioſissimi nominis Domini nostri Iesu Christi saluatoris nostri, quoddam Collegium perpetuũ, pro futuris perpetuis temporibus duraturũ, de vno Præposito verbi Dei prædicatore, & duobus socijs: vno videlicet eorum Magistro, siue idoneo informatore in Grãmatica, altero vero instructore idoneo in Cantu, seu pluribus alijs socijs, si & prout prouentus & facultates eiusdem Collegij imposterum forsan ampliari, & ad id sufficere contigerint regend & gubernand, iuxta ordinationẽ & constitutiones inde, put infrascribitur faciend & ordinand, ad pdicand verbũ Dei in pochia de R. in com Ebor ac alijs locis infra dioces. Ebor. Et ad informand Scholares quoscunque, Grãmatic' seu Cant addiscere cupientes vndecunque in regno Angliæ, & præcipuè de dioces. E. ad prædictum Collegium se conferentes in regulis & institutis Grãmatic' & Cantus gratis, absq; pecuniæ aut alterius rei exactione: Necnon ad celebrandũ & orandum imperpetuum pro salubri statu nostro & Elizab. predilecte consortis nostræ, ac charissimi filij nostri primogeniti Edwardi Principis Walliæ, cæterorumq liberorum nostrorum dum vixerimus, & specialr dicti Archiepiscopi & benefactorũ suorum dum vixerit, ac ad alia misericordiæ & pietatis opera faciend & exercend, iuxta ordinationem & constitutiones per memoratũ Archiepm, aut executores & assignatos suos pdictos, aut eorum aliquem in hac parte faciend & ordinand, super quoddã solum seu scitum ipsius Thom Archiepiscopi, iacens in

villa

villa de R, prædict: Quod quidem solum continet in longitudine &c. Et in latitudine inter clausum &c. facere, fundare, erigere, creare & stabilire posit & valeat, seu possint & valeant futuris temporibus duratur. Et quod Collegium illud cum sit fundatum, erectum, & stabilitum fuerit, Collegium Iesu de R. nuncupetur & appelletur imperpetuum. Quodque Præpositus & socij huiusmodi Collegij prædict, & successores sui Prępositi & socij Collegij Iesu de R. imperpetuum vocentur & nuncupentur, sintque vnum corpus in re & nomine incorporat atque perpetuam habeant succession: Necnon sigillum commune pro scriptis & literis facta & negotia eiusdem Collegij, atque ipsorum præpositi & sociorum eiusdem concernent consignandis & sigillandis. Et quod sint personæ habiles & capaces in lege, per nomen & sub nomine Præpositi & sociorum Collegij Iesu de R. ad perquirendum & recipiendum terras et tenementa, redditus, seruitia, annuitates, decimas, obligationes, et alia quæcunque emolumenta, obuentiones, iura, & possessiones, tam temporalia, quam spiritualia cum pertinentijs de præfato Thoma Archiepiscopo, & de quacunque alia persona siue quibuscunque alis personis, ea, sibi, vel successoribus suis, dare, legare, concedere, vel assignare, volenti vel volentibus. Habendum & tenendum sibi & successoribus suis Prępositis & socijs Collegij prædicti in feodo & perpetuitat. Ac etiam quod ijdem Præpositus & socij eiusdem Collegij pro tempore existent, per nomen & sub nomine Prępositi & sociorum Collegij de R. placitare possint & implacitari, ac prosequi omnimodas actiones reales, personales & mixtas fectas, causas, quærelas, et demanda cuiuscunque generis fuerint vel naturę, in quibuscunque curijs & locis, coram quibuscunque Iusticiarijs & Iudicibus spiritualibus vel temporalibus, seu alijs personis quibuscunque ac in eisdem agere, defendere, respondere, necnon omnia alia facere & recipere, prout et eodem modo quo cæteri ligei nostri personæ habiles & capaces infra idem Regnum nostrum placitant et implacitantur, respondent & defendentur, seu implacitare aut implacitari, respondere seu defendi debeant et tenent. Ac etiam de gratia nostra speciali concessimus, licentiam dedimus atque concedimus, & licentiam damus per præsentes, pro nobis & hæred nostris quantum in nobis est præfato Thomę Archiepiscopo predicto, quod ipse (aut ipso defuncto) executores & assignati sui, aut eorum aliquis, vel aliqui, postquam Collegium prædictum sit factum, fundatum, erectum,

erectum & stabilitum fuerit, solum & scitum prædict' cum pertinentijs, prout limitant, quæ de nobis immediate non tenent, dare possit aut possint præf. Præposito & socijs Collegij antedicti, & successoribus suis: Habend & tenend sibi & succes. suis Prepositis & socijs eiusd Collegij imperpetuum, pro situ & constructione, ac primaria fundatione eiusdem Collegij, ac inhabitatione dictor Præpositi & sotiorum eiusdem Collegij & successorum suor': Ac eisdem Præposito & socijs, cum successoribus suis, & ipsi solum & situm præd, à præf. Archiepiscopo, executoribus & assign suis, seu eorum aliquo recipere & tenere possint eis & successoribus suis præd vt predictum est imperpet tenore præsentium licentiam damus specialem, absque aliquo fine & feodo pro præsentibus literis, vel alijs literis superinde conficiendis, ad opus nostrum vel hæredum nostror capiend seu soluend, seu faciend, Et absque aliqua inquisitione virtute alicuius breuis nostris de *Ad quod dampnum*, seu alicuius alterius mandati nri in hac parte capiend & prosequend, & absque aliqua alia licentia nra, seu alijs literis nris patentibus eis in hac parte concedend vel faciend: Statuto de terris & tenementis ad manum mortuum non ponendis, aut eo quod expressa mentio de vero valore annuo soli & situs prædictor in præsentibus minime fact' existit aut aliquo alio statuto, actu, ordinatione, prouisione, seu restrictione in contrarium fact', ædita, & ordinata, aut aliqua alia re causa, vel materia non obstante. Et vlterius de vberiori gratia nra concessimus, & licentiam dedimus atque concedimus, & licentiam damus per præsentes, pro nobis & hæredibus nostris quantum in nobis est pd. T. Archiepiscopo, ac executoribus & assign suis præd, nec non alijs personis quibuscunque, quod ipsi & eorum aliqui vel aliquis aut aliqua, cum Collegium pred sit factum, fundatum, & erectum fuerit, terras, tenementa, redditus, seruitia, annuitates, & alias possessiones quascunque cum pertin, ad valor annuum centum Marcarum vltra repris. licet ea de nobis seu hæred nris, aut alijs per seruic' Militar, aut alio modo immediate teneantur in Capite, dare, legare, concedere, seu assignare possit & possint præfat Præposito & socijs Collegij antedicti & successoribus suis, Habend & tenend sibi & successoribus suis Prepositis & socijs eiusdem Collegij imperpetuum, ad sustentationem suam, & alia pietatis opera, iuxta inordinationem & constitutiones, per ipsum Thomam Archiepiscopum, vel executores seu assignatos suos, aut eorum aliquem inde faciendam &

ordi-

Prepoſito & ſocijs, quod ipſi & ſuc-
ordinand, & ſupportand. Et [illegible] annuitates,&
ceſſores ſui p̄dict eadem terras,tenementa,reddit,ſeruic[illegible]
poſſeſſiones ſupradict, ad ann̄ valorem prędict vltra repriſ. à p̄fato [illegible]
Archiep̄copo aut executoribus ſuis,ſeu aſſignatis ſuis, & cæteris p̄ſonis
p̄dict,ſeu eorum aliquo vel aliquibus,aut aliqua,perquirere & recipere
poſſint. Habendum & tenendum eiſdem Prępoſit & ſocijs & ſucceſſo-
ribus ſuis imperpetuū, ad ſuſtentationem ſuam,& alia pietatis opera vt
præmittitur faciend & ſupportand imperpetuū. Similiter concedimus
& licentiam damus ſpecialem abſque impetitione,impedimento, ptur-
batione, ſeu grauamine noſtri, vel hæredū noſtrorū, Iuſticiar, Eſchaet,
Vicecom̄, Coronat,Balliuorum, aut aliorū Officiarior & Miniſtror no-
ſtrorum vel dictorum hęredum noſtrorum quorumcunque,& abſq; alio
fine & feodo pro p̄ſentibus literis, vel alijs literis ſuperinde cōficiend,
ad opus noſtrum,ſeu hæredum noſtrorū capiend, ſoluend,ſeu faciend.
Et abſque aliqua inquiſitione virtute alicuius breuis noſtri de *Ad quod*
damnum, ſeu alicuius alterius mādati noſtri in hac parte capiend & p̄-
ſequend, & abſque aliqua alia licentia noſtra, ſeu alijs literis noſtris
patentibus eis in hac parte cōcedend vel faciend : Statuto de terris &
tenementis ad manū mortuam non ponendis, aut eo qđ expreſſa men-
tio de vero valore annuo terrarū,tenemētorum, reddituum, ſeruitiorū,
annuitatum, & poſſeſſionū p̄dictorum, aut eorum alicuius in p̄ſentibus
minime fact exiſtit,aut aliquo alio ſtatuto,actu,ordinatione, puiſione,
ſeu reſtrictione in cōtrar fact,ædit,ſeu ordinat, aut aliqua alia re,cauſa,
vel materia quacunque non obſtante. Nos inſuper vltra p̄miſſ. de gratia
noſtra ſpeciali, ad ſupplicationem prædicti Archiepiſcopi Cancellarij
noſtri, ad laudem & honorē glorioſiſſimi nominis Domini noſtri Ieſu
Chriſti,conceſſimus,& licentiam dedimus, ac p̄ præſentes concedimus
& licentiam damus pro nobis & hæredibus noſtris quantū in nobis eſt,
prędicto Archiepiſcopo, quod ipſe (aut ipſo defuncto) executores &
aſſignati ſui, aut eorū aliquis vel aliqui, poſtquam Collegium p̄dictum
ſic fundatum, erectum, & ſtabilitū fuerit, Eccleſiam parochial' de Lax-
ton in Comitatu N. ſuę dioceſ. ad p̄ſentationem ſeu collationem ſuam
ſpectantem, cum ſuis iuribus & ptinentijs quibuſcunque,ac aduocati-
onem eiuſdem Eccleſię laicali perſonæ memorat Thom' Archiepiſcop̄
pertinent & perquiſit, licet de nobis immediatè teneatur,dare, conce-
dere, aſſignare, appropriare, vnire, & incorporar poſſit Præpoſitis &
ſocijs Collegij prędicti & ſucceſſoribus ſuis Præpoſitis & ſociis dicti
Collegij : Habendum & tenendum eidem Prępoſito & ſociis & ſucceſ-

ſoribus

ſoribus ſuis imperpetuum ad proprios vſus, ad ſuſtentationem ſuam, & alia pietatis opera, iuxta ordinationem & conſtitutiones per ipſum Thomam Archiepiſcopum, vel executores ſeu aſſignat̃ ſuos, aut eorum aliquẽ inde faciend̃ & ordinandũ, faciend̃, & ſupportandũ. Ac eiſdem Præpoſito & ſocijs, & ſucceſſoribus ſuis Præpoſit̃ & ſocijs Collegij prædict̃, quod ipſi aduocationem & Eccleſiam prædictam, cum ſuis iuribus & pertinentijs quibuſcunque, à præfato Archiepiſcopo, executoribus & aſſignatis ſuis, ſeu eorum aliquo recipere, & Eccleſiam illam appropriare, & eam ſic appropriat̃ in proprios vſus tenere poſſit ad ſuſtentationem ſuam, & alia pietatis opera vt premittitur faciend̃: Similiter tenore pr̃ſentiũ licentiam damus ſpecialem abſque impetitione noſtri, vel hæredum noſtrorum, Iuſticiar̃, Eſchaet̃ Vicecom̃, aut aliorum Balliuorum, ſeu Miniſtrorum noſtrorum, vel hæredum noſtrorum quorumcunq;, & abſq; fine ſeu feodo pro p̃ſentibus literis noſtris, ad opus noſtrum capiend̃ ſeu ſoluend̃, abſq; aliqua inquiſitione virtute alicuius breuis noſtri de *Ad quod damnum*, ſeu alicuius alterius mandati noſtri in hac parte capiend̃ vel proſequend̃, & abſq; aliqua alia licentia noſtra, ſeu alijs literis noſtr̃ patentib⁹ eis in hac parte concedend̃ vel faciend̃: Statuto de terris & tenementis ad manum mortuam non ponendis, aut aliquo alio ſtatut̃, actu, ordinatione, ſeu prouiſione inde in contrariũ facta, ædit̃ ſeu ordinat̃, non obſtante. Dum tamen dict⁹ Eccleſ. parochialis de L. per idoneũ Vicar̃ ibidem ſufficient̃ dotat̃ vel dotand̃ deſeruiat̃, ac quod competens pecuniæ ſumma inter pauperes parochianos ibid̃ annuatim diſtribuatur. In cuius rei teſtimonium has literas noſtras fieri fecimus patentes. Teſte meipſo apud Weſtmonaſterium viceſimo ſecundo die Ianuarij, anno regni noſtri xxij. In quorum omnium & ſingulorum præmiſſorum fidem & teſtimonium præſent̃ literas ſigilli noſtri appenſione roborari fecimus atque communiri. Datum in hoſpitio noſtro iuxta Weſtmonaſter̃ primo die Februarij, anno Domini 1582. Et noſtr̃ tranſlationis tertio.

Et nos Rob. Decanus & Capitulum Eccleſ. Cathed̃ beati Petri Ebor̃, in domo noſtra Capitular̃, vna cũ p̃fato Reuerendiſſimo patre de dict⁹ fund̃, fundatiõ, erectiõ, creatione, ſtatut̃, & ordinatiõ ſolempnem & diligentem tractatum habeñ, prout de facto habuimus, iuxta iuris exigentiam in hac parte requiſit̃, ad p̃dict̃ fund̃, fundatiõ, erectiõ, & creatiõ: Nec non voluntat̃ ſtatut̃, ordinatiõ, vocatiõ, nuncupatiõ, appellatiõ, deputatiõ, inſtitutiõ, inductiõ, inueſtationem, mutationem, diminutionem, interpretationem, dationem, conceſſiõ, aſſignationem,

nationem, reſeruationem, p̃ſentationem, deuolutiõ, admiſſiõ, juram̃t obligationẽ, prędicationẽ, celebratiõ, decantatiõ, reſidenc', adminiſtrationem, diſpenſationem, regimen, informationem, inſtructionẽ, exemptiõ, excluſiõ, limitatiõ, licentiam, conceſſionem, & dationem: Ac decret̃ penes ſequeſtrationem, excommunicationẽ, denunciationẽ, amotiõ, remotionem, ſubrogatiõ, reſeruatiõ, editionem, conditionem, emendationẽ, reformationem, mandat̃, approbationem: Inſuper ratificationem, confirmationẽ, etiam obſeruationem, arctatiõ, obligationem, onerationem, & cetera premiſſa omnia & ſingula per præfatum Reuerendiſimum in Chriſto patrem Archiepiſcop̃ Primatem & Legatum antedict̃, ac per eum, put ſup recitantur fact' noſtros aſſenſum & conſenſum expreſſ. p̃bem⁹: Ac eiſdẽ oĩbus voluntarie aſſentim⁹, premiſſaq; omnia & ſingula quatenus proceſſerint, Rata & grata habemus pariter & accepta, ac eadem omnia & ſingula quatenns ad nos attinet, & de jure poſſumus atq; debemus, ad omnem juris & perpetuitatis effect' qui exinde ſequi poterit aut debebit, p̃ perpetuo ſcienter & notor̃ & vnamit̃ collaudam⁹, approbamus, ratificam⁹, et confirmamus p̃ preſentes. In quorum omnium fidem atque teſtimonium, ſigillum noſtrum commune preſentibus eſt appenſum. Dat̃ Ebor̃ in domo noſtr̃ Capitulari xx. die menſis Iulij, Anno Domini 1584.

A Petition to the Parliament for the erection and incorporation of a Schoole.

EDwardus ſextus Dei gratia Angl', Franciæ, & Hiberniæ Rex, fidei defenſor, & in terra Anglicanæ Eccleſię & Hibernicæ ſuprem̃ caput, Omnibus ad quos præſentes literæ peruenerint ſalutem. Inſpexim̃ quoddam breue noſtrum de Certiorand̃ I. M. Militi Clerico Parliamẽti nr̃i direct', & in filat̃ Cancellariæ nr̃æ reſidẽ in hæc verba, Edw. ſext̃ Dei gratia Angl', Francię, & Hiber̃ Rex, fidei defenſor, & in terra Eccleſiæ Anglicanæ & Hibernicę ſupremum caput, dilecto et fideli ſuo I M. Militi Clerico Parliamentorum ſuorum, vel eius deputato ibid̃ ſalutem. Volentes certis de cauſis certiorari ſuper tenorem cuiuſdam Act⁹ in Parliamento noſtro apud Weſtmoñ xxiij. die Ian. vltimo præterito, & ibid̃ continuat̃ vſque ad quintũ decimũ diẽ Aprilis etiam vltim̃ p̃terit̃, concerñ quend̃ actum in eodem Parliamento pro erectione liberę Scholæ Sect: 566.

Scholæ in P. in Com̃ Eborũ nuper ædit̃: Vobis mandamus, quod tenorẽ actus prędt̃ nobis in Cancellar̃ nostra sub sigillo vestr̃ distincte & aperte mittatis, & hoc breue. Teste meipso apud Westm̃ primo die Iulij, anñ regni nostri sexto. Inspeximus etiam quendam actum Parliamenti, in Parliamento nostro apud Westm̃ teñt̃, ædit̃, & in filatijs eiusdt̃ Cancellt̃ similiter resideñ in hæc verba. In Parliamento inchoato & tento apud Westm̃ quarto die Nouemb. añ potentissimi Principis Ed. 6. Dei gratia Anglt̃, Francę, & Hiberñ Regis fidei defens. & in terr̃ Eccles. Anglicañ & Hiberñ supremi capitis primo, & p varias progationes cõtinuat̃ vsq; in 23. diem Ianuar̃ anno quinto eiusdẽ dñi regis, in quarta, viz. & vltima Sessione eiusdẽ Parliamenti, inter alia multa communi oĩum procerum & populi assensu sancit̃ & stabilit̃, & inactitat̃ fuit hoc pr̃sens statutum pro erectione liberę Scholæ in P. in Com̃ E. ad verbum prout sequitur.

In most humble wise complaining, sheweth vnto your most excellent Highnes, your Orator and faithfull subiect I. D. of Greyes Inne: That whereas one I. D. deceased, Doctor of the Lawes, for the zeale and loue that he had to his countrey, and to the education and bringing vp of youth in vertue and learning, gaue, graunted, confirmed, and assured certaine Lands and Tenements in the Countie of Yorke, of the cleere yearely value of fifteene pounds, aboue all charges and reprises, vnto the Master, Fellowes, and Scholers of S. Johns Colledge in C. to haue and to hold to them and their successors for euer, to the intent, that they the said Master, Fellowes, and Schollers, and their successors for euer, should retaine and keepe in their Colledge fiue schollers that had beene brought vp in the Grammer Schoole, freely erected by the said I. D. in P. in your Graces Countie of Yorke for euer, in such manner and formes, as is contained in a deede of Composition quadripartite Indented of the said I. D. bearing date the first day of September, in the yeare of our Lord God 1515. and in the seuenth yeare of the raigne of the late King of famous memorie, Henrie the eight, being made to the said Master, Fellowes, and Schollers, as more plainely doth and may appeare. And amongst the prouisions, graunts, articles, and agreements of the said composition it is contained, That the Master, Wardens, and brethren of a certaine Fraternie and Guild in P. aforesaid, founded there by the said I. D. by the licence of the said late King of famous memorie H. viij. should alway, when the said Schollers roomes, or any of them, fortuned to be voide by death, resig-

reſignation, forfaiture, or otherwiſe haue the election, nomination, and appointment of a Scholler, or ſo many Schollers as then might, or would ſupply the roome or roomes of the ſaid Schollers then beeing vacant or void in the ſaid Colledge. And that the ſaid Maſters, Fellowes, and Schollers of S. Johns Colledge ſhould alwaies giue knowledge vnto the Maſters, Wardens, and Brethren of the ſaid Guild, when any ſuch auoydance ſhould happen to fall by any the meanes aforeſaid, within a certaine time appointed within the ſaid compoſition, as therein more plainely appeareth. And now moſt gratious Soueraigne L. by reaſon of the Statute made in the firſt yeare of your moſt noble raigne, for the diſſolution of Chauntries, Colledges, free Chappels, Guyldes, and Fraternities, although the meaning of the matters of the ſaid Statute was not to hurt, alter, or change any ſuch good and godly foundations, made onely for the encreaſe of learning, but rather to fortifie, augment and enlarge ſuch godly foundations and ordinances: yet that notwithſtanding, the ſaid fraternitie and guild onely founded for the godly intents aforeſaid, by the ſaid Statute made for the deſolution of Chauntries, Fraternities, and Guilds, as is aforeſaid, colourably vnder the pretence of fraternity ſuperſtitiouſly vſed, is now diſſolued and taken away. And by the meanes thereof the benefit and preferment which the Schollers of the ſaid freeſchoole in P. aforeſaid haue alwaies had ſithence the ſaid foundation made, is likely to bee clerely gone and taken away, moſt contrary to the meaning and good intent of the ſaid godly ordinance and foundation. And yet the ſaid Colledge of Saint J. at this day is poſſeſſed and ſeiſed of the ſaid lands and tenements, giuen onely for the intents and purpoſes aforeſaid, which thing is like to enſue to the great diſpleaſure and loſſe of the inheritance of the ſaid Towne of P. and of all the County there, vnleſſe it ſhall pleaſe your Maieſty, that the ſaid godly ordinance may be perfected, recontinued and eſtabliſhed by ſome good and godly deuiſe and ordinance. And whereas your ſaid Orator is ſeiſed in his demeane as of fee, aſwell of the Schoolehouſe of the ſaid freeſchoole, as alſo of all the landes and tenements purchaſed by the ſaid J. D. Doctor of the Lawes for the maintenance of the ſaid free Grammer ſchoole, without any vſe declared, And no other deuiſe as yet made for the more perfect continuance of the ſaid free Grammer Schoole, ſo that if your ſaid ſubiect ſhould chance to die, whereof he is moſt aſſured, it is not certaine that the ſaid lands ſhal be imployed vnto the vſe and godly intent aforeſaid, as heretofore they haue beene. May it therefore pleaſe your moſt excel-

lent highnes, tenderly, considering the premisses, that it may be inacted with the assent of the Lords spirituall and temporall, and the commons in this present Parliament assembled, and by the authoritie of the same in maner and forme following. First that it shall and may be lawfull vnto the said Master and Fellowes of the said College of Saint I. in C. and their successors for euer, to nominate and appoint one discréet and well learned man to supplie the roome of the Schoolemaster of the said frée Grammer Schoole. And that it shall be lawfull for the said Schoolemaster, with the Church-wardens of the parish Church of P. aforesaid, to nominate and appoint one sufficient learned young man to be Vsher of the said frée Grammer Schoole. And that as often as the said Schoolemasters roome shall fortune to be void by death, resignation, or otherwise: that then it shall bée lawfull for the said Master and Fellowes of S. I. Colledge, and their successors for euer, to nominate and appoint one discréte and well learned man, as is aforesaid, to supplie the roome of the said Schoolemaster then béeing void. And in like maner and as often as it shall fortune the said Vshers roome to be void by any the meanes aforesaid: that then it shall be lawfull for the said Schoolemasters & Church-wardens, & their successors for euer, to nominate & appoint one well and sufficiently learned young man to supply the roome of the said Vsher then being void. And that the said P. and Vsher for the time being for euer, shall by the authoritie of this present Parliament be incorporated by the name of Master and Vsher of the said frée Grammer Schoole of P. And that they & their successors, shall haue perpetuall succession in the same for euer. And that the said Schoolemaster and Vsher of the said frée Schoole of P. aforesaid for the time béeing, shall be enabled by the authority of this present Parliament, to receiue to them and their successors in perpetuitie for euer, of the gift and graunt of the said T. D. or of any other person or persons, lands, tenements, annuities, and rents of the cléere yearely value of xx. li. and not aboue, for the exercising and vsing of the said roome and roomes of the Schoolemaster and Vsher of the said frée Grammer Schoole. And that the said Master and Vsher, and either of them and their successors, and the successor of either of them, shall and may be enabled by the authoritie aforesaid to sue and be sued, to implead and to be impleaded, for any matter or cause concerning the said landes, tenements, annuities, and rents, or any parcell thereof, by the name of Master and Vsher of the said frée Grammer Schoole in P. aforesaid. And that from henceforth as often as the said fiue Scholers roomes, or any of them within the said Colledge of S. I. shall

fortune

fortune to be void by any the meanes abouesaid: that then it shall and may be lawfull vnto the said Master of the said free Grammer Schole in P. and his successors for euer &c. Nos autem tenores breuis & actus prædict, ad requisitionem T. D. geñ de Greis Inne, duximus exemplificād per pręsentes. In cuius rei &c. Teste me ipso apud Westm̃ 6. Iulij, An̄ regni nostri vj.

A Licence of alienation of lands in Capite.

ELizabeth Dei gratia &c. Omnibus ad quos præsentes literæ peruenerint, salutem. Sciatis quod nos de gratia nostra speciali, ac pro tribus libris & x. s'. nobis solut̃ in hanaperio nostro concessimus, ac licentiam dedimus, ac per pręsentes concedimus, ac licentiam damus pro nobis & hæredibus nostris quantum in nobis est, dilecto nostro E. F. quod ipse totam medietat̃ manerii C. cum pertinentiis, ac quadraginta mesuag', viginť cottag', quadraginť gardiñ, quinquaginť acr̃ terr̃, quadraginť acr̃ prati, trecent̃ acr̃ pastur̃, xxx. acr̃ bosci, trecent̃ acr̃ moræ, & viginti libr̃ reddit̃ cum pertinentiis in W. & alibi, in comitatu nostro N. eidem medietat̃ pertineñ siue spectant̃, parcell' de reputat̃ aut accept̃ existeñ per R. D, & I. F. quæ de nobis tenentur in Capite, dare possit & concedere, alienare, vendere, barganizare, feoffare, warrantizare, aut cognoscere per finem in Curia nostra coram Iusticiariis nostris de Communi banco, aut aliter, seu aliquo quocunque modo dilecto nobis E. Habend̃ & tenend̃ eidem E. hæredibus & assignatis suis de nobis & hæredibus nostris, per seruitia inde debita & de iure consueta imperpetuum. Et eidem E. quod ipse medietat̃ manerii prędict̃ ac cæterorum pręmissorum cum pertineñ à prędict̃ I. recipere possit, & tenere sibi, hæred̃, & assignatis suis, de nobis & hæredibus nostris per seruitia p̃dict̃ imperpetuum sicut prædictum est, tenore pręsentium similiter licentiam dedimus, ac damus specialem: Nolentes quod prædict' I. aut hæred̃ sui, vel p̃dict̃ E. heredes vel assignat̃ sui prędict̃, ratione pręmissorum, per nos, hęred̃, vel successor̃ nostros, Iusticiar̃, Eschaetor̃, Vicecom̃, Balliuos, aut alios officiar̃ seu ministr̃ nostros, hæred̃ vel successorum nostrorũ, quoscũque inde occasionentur, molestentur, perturbantur, vexentur in aliquo, seu grauentur, aut eorum aliquis occasionetur, molestetur, perturbetur, vexetur in aliquo, seu grauetur. In cuius rei testimonium has literas nostras fieri fecimus patentes. Teste meipsa apud Westmonasterium vltimo die &c. Sect 567.

A Licence for Brokers or Badgers of Corne.

Quinto die Aprilis, anno regni Eliz. Reginę xxxvj.

Sect. 568. AT the generall Sessions of the peace holden at G. in the Countie of S. the day and yeare aboue written, T.B. of F. in the countie aforesaid, is licenced and appointed by the Iustices of the peace of the said Countie, to be a common Badger, Lader, Keedar, Carrier, Buyer, or transporter of all manner of Corne or Graine, in any Market or Faire within the Realme of England, and the same so bought, to conuert to meale, and the same to carrie to the Citie of London, or the suburbes of the same, or to any other Market or Faire, so that he vse and occupy the same, according to the tenor and true meaning of the statute lately made in the 5. yeare of the raigne of our Soueraigne Lord king Ed. the 6. against Regrators, Forestallers, and Ingrossers, and not otherwise: The same licence to haue continuance from the date hereof, vntill the nert generall Sessions of the peace after the feast of E. nert comming to bee holden &c. In witnesse whereof the Iustices of the P. of the said County, whereof thone is of the Quorum, being present at the said generall Sessions, whose names be vnder written, haue signed and sealed this present Licence with their proper hands and seales, the day and yeare aboue written. Dated at G. the said 5. day of A. &c.

A graunt of a Licence to transport Woll.

Sect 569. REx omnibus ad quos &c. Salutem &c. Sciatis quod nos de gratia nostra speciali, ac ex certa scientia, & mero motu nostris, dedimus & concessimus, & per presentes damus & concedimus dilecto subdit nro R.F. licentiam, quod ipse, assig', vel assign sui, factor siue factor sui, possit siue possint, portare & reportare quolibet ann durante termino sex annorum immediatè post datum pśentiū, ducent petr Lanæ sine Lanatū extra terr nram Hibernię, ad aliquem portum siue crecam in regno nro Angl', ad libitū ipsius R. assign, vel assign suorum, fact' siue factor suorum, soluend customas & alia onera inde nobis debit. Mandamus etiam omnib' & singulis Maioribus, Balliuis, Vicecom, & alijs officiar & ministris nostris quibuscunque, q ipsi, nec eorū aliquis pdict R. assign, siue assignatos suos, factor, siue factores suos, in aliquo præmiss. impediant, molestent, nec grauent, contra formam litterarū nostrarum: Eo quod &c.

War-

Warrants.

A Warrant to pay money.

TO our trusty and welbeloued C.E. our receiuor in our Lordships of C. and G. or to any other our Receiuors there for the time being, greeting: We will and charge you, that of the profits & reuenues of our liuelihood in your receit at the feast of Easter next comming &c. without any longer delay, ye content and pay vnto our welbeloued W. M. x. li. of &c. which we owe vnto him for certaine stuffe, to our vse of him bought and retained, and for paiment of the said sum, ye take for vnsufficient acquittance, which with these our letters shall be therefore to your sufficient warrant and discharge at your accompts then next to be giuen afore our Auditours there for the time being, whom we will and charge to make you due allowance in this behalfe by these our letters. Giuen &c. tali die &c. Sect. 570.

A warrant to pay annuitie.

W.D. omnibus Receptoribꝰ, Balliuis, firmarijs, præpositis, ministris, & occupatoꝝ quibuscunq; dominiorꝝ & maneriorꝝ meorꝝ de N. & L. in com E. qui nunc sunt, & qui pro tempore futur erunt, Salut. Cum ego ꝓfat W. nup ꝓscript meu, cuius dat est primo die Maij Ann &c. ordinauerim, fecerim, et constituerim dilect mihi in Christo C.M. Seneschall meum, oiu præd dominiorꝝ & maneriorꝝ meorꝝ habend, tenend, & occupand, Officiu præd ꝓfat C. p se, vel per sufficientem, deputat suum, vel sufficient deputatos suos, quamdiu se bene gesser in eodē. Percipiend annuatim pro officio suo ꝓd exercend et occupand quatuor libras argenti, per manus Receptoꝝ, Balliuorum, firmariorum, seu aliorum officiariorꝝ & ministroꝝ dominiorꝝ & maneriorum meorum prædict pro tempore existentium, ad terminos S. M. arch et P. per equales portiones, prout scripto prædict plenius continetur. Vobis igitur omnibus & singulis Receptoribus, Balliuis, firmarijs, prepositis, seu alijs occupatoribus & ministris dictoꝝ dnorum & maneriorꝝ meorū quibuscunque pro tempore existeñ, & in futur existeñ, & cuilibet vestrum mando, onero, & firmiter iniungo, quod de tempore in tempus soluatis, seu solui faciatis, seu vnus vestrum soluat, seu solui faciat ꝓfat C. præd Sect. 571.

C. prædᵗ quatuor libras ad terminos suprad, sine dilatione vlteriori iuxta formam scripᵗ nostri prædᵗ inde confecti: Recipiendᵗ inde de ꝑf. C. vel de suo in hac parte deputato acquietancias, singulas solutiones quas sic feceritis testificantes, & per præsens mandatᵗ meum volo, quod Auditores mei, vel Auditor meus dnior & manerᵗ meorᵗ ꝑd qui pro tempore fuerᵗ vel fuit: Vobis & cuilibet vestrum in vestr̃ computis, vel in vestr̃ computo, de tempore in tempus de solut inde & qualibet inde ꝓcel' faciant siue faciat allocationem. In cuius rei &c.

A Warrant for a licence to elect a Bishop.

Sect. 572. CHarissime consanguinee &c. supplicauerᵗ nobis humiliᵗ Decan & Capitul ecclesiæ nr̃æ cathedr̃ de N. vt cum sedes Ep̃alis infra Ecclesiam nr̃am cathedᵗ ꝑd, & per mortᵗ naturalē piæ memoriæ A. B. vltimi Episcopi eiusd̃, sit pastoris solatio destituta, alium in locum illius Episcoꝑ & pastoꝝ eligendi, facultatem, licentiamq; nr̃am gratiose concedere dignaremur. Nos igitur eorum supplicationibus fauorabiliter inclinati, facultatem atque licentiam nr̃am huiusmodi duximus concedendᵗ. Quocirca vobis mandamus, quod sub priuato sigill' nostr̃ in custodia vr̃a existente literas &c. Mandantᵗ, vt sub magno sigillo nr̃o in eius custodia existen̄, liras nr̃as patentᵗ fieri fac' in hac ꝑte debitas, & in tali casu consuetas. Et hæ literæ nr̃æ &c.

And ye shall vnderstand, that hereupon the Chancellor of England shall graunt them the Kings Letters Patents of licence to proceede to their election. The forme whereof appeareth in the Register, with which Letters Patents of licence vnder the great Seale, shall be sent a Letter Missiue, containing the name of the person to be elected, as followeth.

A Warrant for Royall assent.

Sect. 573. CHarissime &c. Vacante nuper sede Episcopali infra Ecclesiam nostr̃ Cath. de N. per mortem bonæ memoꝝ A. vltimi Episcopi ibidem, Decan & Capit eiusdem, facultᵗ à nobis prius per ipsos ad aliū eligendᵗ in ipsoꝝ Episcopum & pastorem petita pariᵗ et obtenta, venerabilem et egregium virum C.D. in suum pastorem elegerunt & nominauerᵗ. Cui nos electioni et viro sic electo (humilibus eoꝝ interuenientibus supplicationibus) Regium nostrum adhibemus assensum pariter et fauorem, eundemq; electum vos commendatum habemus. Quodcirca vobis mandamus &c.

And vpon this Warrant the Lord Chancellor of England shall make

make the Kings Letters Patents of his royall aſſent, directed to the Metropolitane, to confirme and conſecrate the Lord elected, or if yée will, the words of the Patent may bée ſet forth at length in the Warrant, that the King ſhall ſigne, as followeth.

The certificate of royall aſſent, for the election and conſecration of a Biſhop.

REx &c. Reuerendiſſimo in Chriſto patri &c. Salutem. Cum vacauerit nuper Eccleſia nr̃a Cathed' San&' A. W. per mortem bone memoriæ dñi I.C. eiuſdem Eccleſiæ dudum Epiſcopi, Decanus & Capitulum Eccleſię noſtr̃ predi&', prius licentia à nobis per eos alium eligendi in eorum Epiſcopum & paſtorem petita pariter & obtenta, venerabilem virum A. B. in ipſorum Epiſcopum & paſtorem canonice eligerunt & nominauerunt, ſicut p̃ eorum literas quas vobis mittimus p̃ſentibus incluſas plenius liquet. Vobis ſignificamus, quod dictæ quidem electioni, & perſonę ſic electę, humilibus eorum mediantibus ſupplicationibus, noſtrum Regium adhibuimus fauorem pariter & aſſenſum. Et eundem electum apud vos recommendatum habemus. Quocirca vobis mandamus; qd' cætera omnia quæ p̃ vos ad confirmatione & conſecratioñ eiuſd' in dicto Epiſcopatu fieri conſueuerũt, ſecundum leges & ſtatuta regni nr̃i Angl', hac in parte ædita & prouiſa, cum fauore & diligentia facere velitis &c. In cuius &c. Sect. 574.

If yée liſt to know further after what maner the Archbiſhops and Biſhops be at this day choſen, nominated, preſented, inueſted, and conſecrated to the dignitie and office of an Archbiſhop or Biſhop, ye muſt read the Statute thereof made 25. H. 8.

A Warrant dormant for a Deere.

BE it knowen vnto all men by theſe preſents, that wee Sir E. S. Earle of D. and Lord of S. haue giuen and graunted, and by theſe preſents giue and graunt vnto our welbeloued I. H. and M. his wife, one Stag and two Bucks in Summer, and one Hind and two Does in Winter, yerely to be taken in two Parkes of our Ile of A. or in the Chaſe belonging to the ſame, of our gift, yearely during their liues, and the longer liuer of them. And wée licence and giue authoritie and power to the ſaid I. and M. and either of them during their liues, and the longer liuer of them, and their ſufficient deputie, yerely in the times of ſeaſon and conuenient, to goe into the ſaid Parkes or Chaſe, calling the keeper or keepers therof with them, there to hunt and kill the ſame Deere, & them to carrie away at their liberty & pleaſure, with Sect. 575.

such conuenient number of persons as shall like them, for, and about the doing of the same: any act, statute, or other thing made to the contrary notwithstanding. And further wee will, that if the said I. and P. yearely sometimes will not come themselues, nor either of them for the same: Then I will, that my keepers of the same Parke or Chase for the time being, vpon a bill signed with the hand of the said I. or P. concerning the same, shall kill and deliuer from yeare to yeare, to the bringer of the same letters, the said summer Deere, and winter Deere, without any restraint or gainesaying by them, or any of them, in any wise to be made or done. In witnesse &c.

A Warrant for a Bucke.

Sect. 576. WE will and charge you, that vnto R. P. citizen of the Citie of L. or to the bringer hereof, ye deliuer, or cause to be deliuered, one Bucke of season, to be taken of our gift within our Parke of S. any restraint or other commaundement heretofore made to the contrarie notwithstanding. And these letters shall be vnto you a sufficient warrant and discharge in that behalfe. Giuen vnder our signet &c.

A Warrant for the Peace.

Sect. 577. ROberꝰ Moore armig', vnus Iustic' dñæ Reginæ ad pacem in com pdict' conseruand. assignat' Vic' com pd': Necnon omnibus Balliuis, Constabular', & alijs dictæ dñæ Reginæ ministr' com pd', & eorum cuilibet salutem. Quia I. T. de D. in com pd', coram me prestitit sacrament' corporal', qd' ipse de vita sua, & mutilatione membrorū suorū: Necnon de incendio domorum per T. L. de C. in com pd' yeoman, grauiter & manifestè cōminat' existit. Ideo ex parte dict' dñæ Reginæ vobis & cuilibet vestrum mando, quod præf. T. L. coram me præf. Iustic' venire fac', seu vnus vestrum venire faciat, ad inueniendū sufficient' securitat' pacis versus dict' dñam Reginam & eundem populum suum, & præcipuè versus præf. I. T. Et si hoc grat' facere recusauer', tunc ipsum attachiet', seu vnus vestrum attachiet, & ad proxim gaol' dict' dñę Regin in com pd ducend &c. Nullatenus omittat' periculo incumbent'. Dat' &c.

A Warrant to arrest a fugitiue seruant.

Sect. 578. R. C. seruiens ad legem, vnus Iusticiar' dñę Reginę ad pacem, nec non ad diuersas felonias, transgress. & alia malefact' in comitat' N. audiend & terminand assign', Balliuis hundred de B. & T. H. Constabul' de M. in comitat' pdict' salutē. Quia E. L. retentus in seruic' T. T.

de

de M. ꝑdict̃ ſibi ſeruiend̃, ſecundum formã & effectũ ſtatuti de Seruientibus ędit̃, à ſeruitio I. T. ſine cauſa rationabili & licentia ipſius I. T. receſsit (vt dicit.) Ex parte dominę Regiñ vobis & cuilibet veſtrũ prę-cipio, quod ꝑf. E. L. ad prę. I. T. Magiſtrum ſuum deſeruiend̃ deliberar̃ faciat̃. Et ſi hoc recuſaueř, tunc eum gaolę caſtri N. duci faciat̃, quouſq; &c. Ita qd' eum habeatis corã me & ſocijs meis Iuſtic' dictæ dõminæ Reg. in comitatu ꝑd ad proxim̃ Seſſ. pacis ibidem tenend̃, ad faciend̃, & recipiend̃ ea quæ ei tunc & ibidem in hac parte obijcientur. Sigillo meo ſigillat̃. Dat̃ &c.

Warrantia ad capiend̃ Vagabund'.

R. C. de H. in comitatu N. vnus Iuſtic' dñæ Reginæ ad pacem, nec-non ad diuerſ. feloñ, tranſgr̃, & alia maleſact' in com̃ ꝑd audiend̃ & terminand̃ aſsigñ, Vic' com̃ hundred̃ de E. ac Conſtabular̃ villæ de W. in com̃ ꝑdict', & eorum cuilibet ſaluté &c. Ex parte dñę Reginę vobis & cuilibet veřm mando, q; attachieť, ſeu vnus veſtrum attachiet B. G. vagabund̃ non ſeruient̃, nec in ſeruitio alicuius retent̃ (vt dicit̃) & eum deſeruire fac' I. G. ſecundum formam & effectum ſtatuti de Seruientibus æditi. Et ſi hoc facere noluer̃, aut hęc facere recuſaueř, tunc eum prox' gaolæ dict' dñæ Reginæ infra dict' com̃ duci faciat̃. Ita qd' eum habeatis, ſeu vnus vřm habeat coram me & ſocijs meis ad ꝓxim̃ Seſsioñ ipſius dictę dñę Reg. ad pacem in com̃ ꝑdict' tenend̃, vna cum hoc mandato. Dat̃ &c. Sect. 579.

A warrant from Iuſtices of Oyer to returne a Iurie.

E. M. Miles & ſocij ſui Iuſtic' domini Regis ad inquirend̃ per ſacra-ment̃ ꝓborum & legalium hoĩm de Com̃ L. ac aliis viis, modis & med', ſicut melius ſciunt aut potuer̃, tam infrà libertates quam extra, ꝓ quos rei veritas melius ſciri poterit, de quibuſcunque murdris feloniis, riot̃, rout̃, trangreſſ. ſeu aliis maleficiis, necnon acceſſor̃ eorum ꝓ quoſcunque & qualitercunque habit̃, fact' perpetrat̃, ſiue commiſsis, & per quos, vel per quem, cui, vel quibus, quando, qualiter, & quomodo, & de aliis articulis & circumſtanc' ꝑmiſſ. qualitercunque concernent̃ plenius veritat̃ dicend̃, & ad eadem murdr̃, feloñ, & alia pręmiſſ. audiend̃ & determinand̃, ſecundum legem & conſuetud̃ huius regni Angliæ, Vicecom̃ L. ſalutem. Ex parte dicti dñi Regis tibi ꝑcipimus, qd' non omittas propter aliquam libertat̃ in Balliua tua, quin venire fac' coram nobis apud S. in com̃ I. &c. viz. x. die I. ꝓxim̃ futur̃ xxiiij. probos & leg' hoies de quolibet hundred̃ in com̃ tuo, ad inquirend̃ pro dño Rege de Sect. 580.

de præmiſſ. &c. Et vlterius ad faciend̄ ea quæ eis tunc & ibidem objicientur &c. Et quod tu & omnes Balliui & miniſtri tui ſint coram nobis, adtunc & ibidem ad officia veſtra, & ea quæ vobis adtunc & ibidem iniungentur &c. Dat̄ &c.

A warrant to a Bayliffe to make a Replenin'.

Sect. 581. ANthonius Vic' Montague, prænobilis ordinis Gárterij Miles ac capital' Seneſchall' hundred̄ de G. Ball' libertat̄ dn̄æ Reginæ hundredi ſui prædict̄, ſalutem. Quia H. L. inuen̄ mihi pleg' de proſequend̄ quærelam ſuam verſus R. S. de placito captionis & iniuſtę detentionis bonorum & catallorum ſuorum, viz. xij. carat̄ ligni vocat̄ Fagots, necnon de returno habendo, ſi return̄ inde adiudicetur: Ideo ex parte dict̄æ dn̄æ Reginæ tibi mando quod bona & catalla prędict̄, viz. vij. carat̄ ligni pręf. H. L. replegiar̄ facias. Et pone per vadios & ſaluos pleg' p̄dict̄ R.S. quod ſit ad p̄xímam curiam hundred̄ p̄dict̄ tenend̄ &c. ad reſpondendum præf. H. L. de placito captionis & iniuſtę detentionis bonor̄ & catallorum ſuor̄ p̄dict̄. Et habeas ibi hoc præceptum ſub ſigillo officij mei, quarto die &c. Anno &c.

Indentures.

A couenant of a Prentice.

Sect. 582. THis Indenture witneſſeth, That T. S. the ſonne of J. S. of S. in the County of W. Marchant, hath put himſelfe Apprentice with W. W. of S. aforeſayd, in the Countie of W. Taylor, and after the manner of an Apprentice with him to dwell, from the feaſt of Chriſtmas next comming after the date hereof, vnto the end and terme of vii. yeres then next inſuing, and fully to be complete. By all which ſaid terme the ſaid T. Apprentice to the ſaid W. as his Maſter, well and faithfully ſhall ſerue, his ſecrets ſhall keepe, his commaundements lawfull and honeſt euery where ſhall doe, fornication in the houſe of his ſaid Maſter nor without hee ſhall not commit, hurt to his ſaid Maſter he ſhall not doe, nor conſent to be done to the value of xii. d. by the yeare, or aboue, but he to his power ſhal let, or anon his Maſter warne. Tauernes of cuſtome hee ſhall not haunt, but if it be about his Maſters buſineſſe there to be done. At the Dice, Cards, or any other vnlawfull games he ſhall not play. The goods of his ſaid Maſter inordinately he ſhall not waſt, nor them to any man lend without his Maſters licence. Matrimonie with any woman within the ſaid terme he ſhall not contract, nor eſpouſe, nor from his ſeruice neither

ther by day nor by night ſhall abſent or eloigne himſelfe, but as a true and faithfull ſeruant ought to behaue himſelfe, as well in words as in deed. And the ſaid W. vnto the ſaid L. in the craft, myſterie, and occupation the which he vſeth, after the beſt maner that he can or may ſhall teach and informe, or cauſe to be taught and informed, as much as thereunto belongeth, or in any wiſe appertaineth, and in due maner to chaſtice him, finding vnto his ſaid ſeruant meate, drinke, linnen, woollen, hoſe, ſhoes, and all manner of things neceſſary or belonging to a Prentice of ſuch craft, to be found after the manner and cuſtome of the Citie of L. In witneſſe &c.

An Indenture for a Prentice.

HEc Indentura teſtatur, qd' G.H. filius W.H. de comitatu D. huſbandman, poſuit ſeipſum apprenticium E. W. Ciui et Haberdaſh. ad artem ſuam qua vtitur erudiend', & ſecum mor' apprentic' ſui commoratur' et deſeruit' à feſto omnium Sanctorũ, anno Regni Regis H. 8. &c. vſque ad finem et termin octo annorum extunc prox. ſequent' plenarie complendor'. Durante quo termino pred' G. pf. E. tanquam Magiſtr' ſuo bene & fideliter deſeruiet, ſecreta ſua celabit, pcepta ſua licita & honeſta, libent' vbique faciet, damn eid' Magiſtr' ſuo non faciet, nec ab aliis fieri ſciet, ad valor xii. denarior' per ann' vel amplius, quin illud pro poſſe ſuo impediet, aut ſtatim dict' Magiſtr' ſuum inde præmuniet, Bona dict' Magiſtri ſui non deuaſtabit, nec ea alicui illicite accommodabit, fornication in domibus dicti Magiſtr' ſui nec extra non committet, Matrimon non contrahet, ad talos ſeu aliqua alia ioca illicit non ludet, Tabernas non frequentabit, cum bonis ſuis propriis aut alienis durante dict' termin, ſine licentia dicti Magiſt' ſui non marchandizabit, à ſeruitio ſuo pd non recedet, nec ſe elongabit, ſed in omnibus tanquam bonus & fidel' apprenticius benign ſe geret & habebit per dict' termin. Et pd E. apprenticium ſuum in arte ſua qua vtitur, meliori modo quo ſciuerit aut poter', docebit, tractabit, & informabit vel faciet informar', debit', modo caſtigand', inueniendoq; omnia ſibi neceſſaria, vt veſtem, veſtit', linum, laneum, calciamenta, & lectum ſufficient' per totum dict' termin. Et ad iſtas conuentiones omnes & ſingulas ex parte dicti apprenticij ben & fidelit' tenend' & pimplend' in forma vt ſupra idẽ apprentic' firmit' ſe obligat per pſent'. In cuius rei teſtimon ptes pd' his Indenturis ſigilla ſua alternatim appoſuer' M.D. tunc Maiore ciuitatis Lond' R. H. H. S. tunc Vic' eiuſd' ciuitat'. Dat' L. die & ann ſupradictis. Sect. 583.

Letters

Letters to a Bishop by the King to graunt an aduowson.

Sect.584. RIght Reuerend father in God, right trusty and right welbeloued, we greet you well. Whereas we bee very desirous (for the honest qualities which we vnderstād to be in our welbeloued chaplein A.B.) to see him furnished with conuenient liuing accordingly, we haue thought good to desire and pray you that the rather for our sake, and at the contemplation of these our lettersou will forthwith vnder your sufficient writing insealed, giue and graunt to his behoofe, the next Aduowson of the Prebend or Parsonage of N. wherein ye shall deserue our right hartie thankes &c.

A Letter by the King to a Deane and Chapter.

Sect.585. TRusty and welbeloued, we greet you well, being now the Bishoppricke of Hereford void by the translation of the right Reuerend father in God, our right trusty and right welbeloued Chancellor ỹ late Bishop of the same, vnto the Bishoppricke of L. We hauing respect vnto the honest qualities, vertue, and learning of our trusty and welbeloued Chaplein Master Doctor N. our Almoner, haue named and appointed him vnto the same Bishoppricke: Wherefore we will and commaund you, that forthwith vpon the receipt hereof, ye proceed to the election of him, according vnto the tenor and purport of our lawes and statutes in that behalfe made and prouided, and the same so elected, to certifie accordingly. And these our letters shalbe your sufficient warrant and discharge in that behalfe. Giuen vnder our Signet &c. the xviij. &c.

The Kings Letters missiue to a Deane and Chapter for an Aduowson.

Sect.586. TRusty and welbeloued, we greet you well. Forasmuch as we much tender the conuenient preferment of our welbeloued seruant A. B. to the intent he may bee the more incouraged, and also the more able to prosecute, and finally to accomplish the effect and purpose of his learning: We haue thought it meet by these our letters to desire and pray you, that for our sake yee will immediately vpon the sight hereof vnder your Chapter seale, conferre and giue the next aduowson of the Prebend of C. or of the next prebend in that our Church, which,

shalbe

ſhalbe in your gift and diſpoſition, to ſuch perſons as our ſaid ſeruant ſhall name to his vſe and behooſe, wherein you ſhall miniſter vnto vs, a right acceptable pleaſure, to be hereafter remembred in any your lawfull ſuits, when occaſion ſhall thereunto ſerue accordingly. Giuen vnder &c.

Letters by the King to a Biſhop, for collation of a benefice.

RIght reuerend father in God, right truſtie, and right welbeloued, we greet you well. And whereas we be credibly informed, that the benefice of N. is now voide, and in your gift and collation, wee much tendering the preferment of our welbeloued Chapleine A. B. deſire and pray you, that for our ſake, and vpon the ſight of theſe our letters, ye will giue and conferre the ſaid benefice vnto our ſaid Chaplein, whereby you ſhall doe vnto vs a very great pleaſure, which wee ſhall not faile to remember when occaſion ſhall bee offered vnto the ſame accordingly. Giuen &c. Sect. 587.

A letter of collation betweene ſubiects.

IN my right hartie manner I commend mee vnto you. Foraſmuch as I vnderſtand, that the benefice of N. (which ſuch a parſon now inioyeth, or which is now void,) is of your gift and patronage. Theſe ſhall be inſtantly to deſire and pray you, that ye will vouchſafe to grant me the next Aduowſon thereof, for to beſtow vpon ſuch a one, as I ſhal thereunto preſent. (Or if the benefice bee alreadie void, ye may write) That ye will doe ſo much as for my ſake to preſent A. B. to the ſame, who is my very louing friend, and ſuch a perſon, as both for his learning and good maners verie meete for the ſame, which doing, ye ſhall doe vnto me a ſpeciall pleaſure, and giue me cauſe to requite the ſame with thankes according. And of your reſolute mind herein, I pray you that I may be aduertiſed by the bringer hereof. Thus fare you hartily well. From London &c. Sect. 588.

A preſentation to a Parſonage.

REuerendo in Chriſto patri W. diuina permitione C. & Lich. Epiſcopo, F. C. armig' vetus & indubitatus patronus rectoriæ Eccleſiæ paroch' de K. in comitatu D. ſalutem in dño ſempiternam &c. Ad Eccleſ. de R. prædict' veſtr' dioceſ. modo per mortem H. C. vltimi incumbentis ibidem iam vacant, & ad meam plentationem pleno iure ſpectant dilectum mihi in Chriſto W. W. clericum veſtræ paternitati pleno, humiliter rogans quatenus p̃fat' W. ad dicta Eccleſiam admittere, ipſumq; Recto- Sect. 589.

Rectorem eiuſd Eccl'iæ inſtitui & induci facere, cum ſuis iurib' et ꝑtineñ vniuerſis: Ceteraq; peragere & adimplere q̃ veſtro in hac ꝑte incumbunt officio paſtorali dignemini cũ fauore. In cuius rei teſtimoniũ ꝑſentibus ſigillum meum appoſui. Dat̃ &c.

A preſentation to an Archdeacon.

Sect. 590. REx &c. Venerabili viro domiñ W.R. Archidiacano R. eiuſue in abſentia vicario in ſpiritualibus generali, ſaluꝫ, Ad vicariã de L. vr̃æ iuriſdictionis modo ꝑ mort̃ vltimi incumbentis ibm̃ vacantẽ, atq; ad nr̃ã donationẽ pleno iure ſpectañ, dilect' Capellanũ nr̃um A.B. clericũ vobis ꝑſentamus, requirentes quatenus ꝑf. A. ad vicariã ꝑd admittere, ipſumq; vicariũ in eadẽ inſtituere, cum oĩbus ſuis iuribus & ꝑtiñ vniuerſis: Ceteraq; &c. *(vt ſupra)* In cuius rei &c.

A Prebend in Windſor.

Sect. 591. REx &c. Sciatis q, nos ex gratia nr̃a ſpeciali &c. dedimus & conceſſimus, ac tenore ꝑſentiũ damus et concedimus dilect' Cappellano nr̃o A.B. ſacr̃ę theologiæ Bacchalario, (or if he be Doctor, ꝓfeſſori) canonicatũ ſiue præbend' infra Eccl'iam nr̃am Collegiat̃ ſine liber̃ Capellã noſtrã Regiã Sancti Georgij infra Caſtrũ nr̃um de Windſor̃, modo ꝑ &c. vacantẽ, atq; ad nr̃am donationẽ pleno iure ſpectant̃. Habend' & tenend' Canonicat̃ ſiue Præbend' ꝑd ꝑfat̃ A.B. durante vita eius naturali, cum oĩbus ſuis iuribus et ꝑtiñ vniuerſis. In cuius rei &c.

A Preſentation to a Prebend.

Sect. 592. REx &c. Reuerendo in Chriſto patri W. Meneuenſi Epiſcõpo, eiuſue in abſentia vicario in ſpiritualibus generali, aut alicuicunq; poteſtatẽ ſufficient̃ ea in ꝑte habenti, ſaluꝫ. Ad canonicatũ in eccl'ia collegiata de N. vr̃ę dioceſis & ꝑbendã de C. in ead' ꝑ liberã reſignationẽ A B. vltimi incumbentis & poſſeſſoris eorund' iam vacantẽ et ad nr̃ã donationẽ ratione ꝓrogatiuæ nr̃æ Regiæ ſpectant̃, dilectũ nobis in Chriſto I.T. in artibus magiſtrum cleric', vobis ꝑſentamus intuitu charitatis; Volentes & requirentes quatenus ꝑfat̃ I. ad dict' canonicatum et ꝑbendam admittere, ipſumq; canonicum & ꝑbendarium eorund', ac in eiſd' cum ſuis iuribus & pertinẽ vniuerſis rite et legitime inſtituere: Ceteraq; &c. *(vt ſupra)* In cuius rei &c.

A

A preſentation to a Parſonage.

REx reuerendiſsimo in Chriſto patri & domino dño E. permiſſione diuina Eborẽ Archiepiſcopo Angl̃ primati,& Metropolitano, eiuſue in abſentia Vicario in rebus eccleſiaſticis generali,ſalutem. Ad ecclesiam parochialem de N. veſtræ dioceſis modo per mortem vltimi incumbentis ibidem vacañ,et ad noſtram donationem pleno iure ſpectañ,dilectum capellanum noſtrũ A. B.clericũ intuitu charitatis vobis preſentamus. Mandantes vti dictum A. cappellanũ nr̃ũ ad p̃f. eccleſiã admittere eumque rectorem eiuſdem inſtituere, cum ſuis iuribus & p̃tineñ vniuerſis, cæteraque expedire & peragere que veſtro in hac parte incumbent officio munerique paſtorali, velitis cum fauore. In cuius &c. Sect. 593.

A preſentation to a Chaunterie.

REx reuerendiſsimo in Chriſto patri E.L. Epiſcopo, eiuſue vicario in ſpiritualibus generali ſalutem. Ad cantarium beatæ Mariæ virginis,in eccleſia parochial̃ Sancti O. veſtrę dioceſis iam vacantem & ad nr̃am donatioñ ſpectantem, dilectum nobis in Chriſto I.H. clericũ vobis præſentamus: rogantes quatenus ipſum I. ad cantariam p̃d admittatis & inſtituatis in eadem. In cuius &c. **Like forme of a preſentation is of a Chappell, whether it be of the Kings patronage, or of a ſubiect,** Mutatis mutandis. Sect. 594.

A preſentation to a Parſonage or Vicarage by a Maſter of an Hoſpitall and his brethren,or by a Deane and Chapter,or ſuch other.

REuerendo in Chriſto patri & domino dño N. permiſsioñ diuina, C.& Lich. Epiſcopo,eiuſue vicario in ſpiritualibus generali,veſter humilis & deuotus frater R. T. Magiſter hoſpitalis N. et eiuſd̃ confratres,ſiue Decanus collegij de N. capitulum eiud̃ &c. Lincoln̄ dioceſis,omnimodo reuerenc̃ tanto patri debitam, Ad perpetuam vicariã Eccleſiæ parochial̃ de N. veſtræ dioceſis iam per mortem C.D. vltimi vicarij eiuſd̃ vacañ, ad noſtramq; p̃ſentationem pleno iure ſpectañ, dilectum nobis in Chriſto I.B. ſacrę Thologiæ profeſſorem paternitati veſtræ p̃ſentamus,humiliter ſupplicantes p̃f. I. ad dictam vicariam admittere,ipſumq; in eadem canonice inſtituere, cęteraque &c. *vt ſupra* In cuius &c. Sect. 595.

A

Preſentation to a perſonage poſt mortem incumbentis *by a Deane.*

Sect. 596. REuerendo in Chriſto patri & dño W. diuina permiſsione C. & L. Epiſcopo eiuſue vicario in ſpiritualibus generali, veſter humilis & deuotus W. W. ſacræ Theologiæ bacchalarius Decanus eccleſiæ Cath. beatę M. verus & indubitatus patronus rector Eccleſiæ paroch. de B. in com D. C. & L. dioc' omnimod' reuerent tanto patri debit. Ad eccleſiam parochial' de B. veſtr dioceſ. modo per mortem vltimi incumbentis eiuſd vacant, et ad meam pſentationem pleno iure ſpectat dilectum nobis in Chriſto T. P. clericum paternitati veſtr pſento, humiliter ſupplicans vt pf. T. P. ad dictam eccleſiam &c. *vt ſupra* In cuius rei &c.

A graunt of an Aduowſon.

Sect. 597 OMnibus Chriſti fidelibus &c. R. S. Salutem &c. Cum T. B. per ſcriptum ſuum gereñ dat xviij. die S. Anno dñi 1556. anniſque Regnor &c. dederit conceſſerit, & ſcripto illo confirmauerit G. B. et M. W. cleric', primam et prox' aduocationem, donationem nominac' pſentationem, & liberã diſpoſitionem Rectorię ſiue eccleſiæ parochial' de G. in comit N. pro prim & vnica vice tantum, quæ de ſuo patronat extitiſset (prout per idem ſcript plenius liquet & apparet.) Cumque pd G. B. et M. W. tam ad ſpecialem inſtantiam, requiſition, et deſiderium E. B. ſacræ theologiæ doctoris, quã pro diuerſis alijs bonis et rationalib' cauſis & conſiderationibus eos ſpecialit mouentibus, p ſcript ſuum gereñ dat primo die Ia. ann dñi 1563. anno regni &c. dederũt, conceſſerunt, et per ſcript ſuum confirmauerũt E. B. execut vel aſsign ſuis dict' primã et proxim aduocationem, donation, pſentation, et liber diſpoſition dict' rector eccleſiæ parochial' de G. in com N. pro prima et vnica vice tantum, (prout per idem ſcript plenius liquet & apparet.) Cumque idem E. B. pro diuerſis cauſis & conſiderationibus eum ſpecialiter mouentibus, per ſcript ſuum gerens dat viceſimo primo die S. anno dñi 1163. anno regni reg. &c. dederit, cõceſſerit, et ſcripto illo confirmauerit mihi pf. R. S. execut & aſsign meis eand primã & prox. aduocationẽ, nomination, pſentationẽ, & liberam diſpoſition eiuſdem Rector eccleſ. parochial' de G. in dicto Comitatu N. pro prima & vnica vice tantũ (prout per ſcriptũ illud plenius liquet & apparet.) Sciatis me pf. R. S. pro diuerſis bonis cauſis & conſiderationibus me ſpecialit mouen-

mouentibus, dediſſe, conceſsiſſe, et hoc p̄ſenti ſcripto meo confirmaſſe A.M. præd̄ primam & proxim̄ aduocatiō ſiue vacatiō, ac plenā donatiō, collatiō, nominatiō, præſentatiō, & liberam diſpoſitiō dict' Rector̄ ſiue eccleſię parochial' de G. in dict' com̄ W. cum prim̄ & prox. poſt dat' pręſentium vacare contigerit, ac ius p̄ſentandi ad eand̄ Rector̄ ſiue eccleſiam parochial' qualitercunq; ſiue per mortem, reſignationem, ceſsionem, demiſsiō, ſeu aliquo alio modo quocunq; primo & proxim̄ vacare contingen̄ p̄ prima & vnica vice tantum. Ita q̄ bene liceat & licit̄ erit pręfat̄ A.M. execut̄ & aſsign̄ ſuis cum dicta Rector̄ (ſic vt præmittitur) vacare contigerit, perſonam idoneam quam ei aut eorum alicui placuerit, ad dict̄ Rectoriā loci ordinario ſiue dioceſano nominare & pręſentar̄, eumq; in ead̄ inſtitui facere, cęteraque oīa facer̄ & perimplere in ea parte requiſit. neceſ. & conſuet̄, quouſque virtute p̄ſentationis illius vn⁹ ad preſentatiō ipſi⁹ A.M. execut̄ vel aſsign̄ ſuor̄ ad plenā & pacificam poſſeſsiō præd̄ Rector̄ ſiue eccleſiæ parochial' fuerit admiſſus, inſtitutus, et inductus, in tam amplis modo & forma, prout ego præf. R.S. potui vel execut̄ ſiue aſsign̄ mei potuer̄, ſi hęc p̄ſens conceſsio non fuerit. In cuius &c.

Notes touching Preſentations.

If a Church be void by reſignation, then ye ſhall ſay.

Modo per liberam et ſpontaneam reſignationem A. B. vltimi Incumbentis eiuſdem, vacant̄ &c. Sect. 598.

If by attainder, then thus.

Per attinctūram A. B. vltimi incumbentis ibidem, qui de alta proditione nuper attinctus fuit vacant̄. *Et ſic de conſimilibus.*

Alſo ye ſhall vnderſtand, that the Kings Maieſty hath as the caſe requireth, ſundrie Titles to preſent, for ſometime hee preſenteth by his Prerogatiue Royall, and then ye ſhall ſay.

Et ad noſtrā donatiō, ratione prærogatiuæ noſtræ Regiæ ſpectantem.

Sometime by reaſon that the Temporalities of a Biſhoprick be in his hands, and then ye ſhall ſay.

Ratione temporalium Epiſcopatus N. in manibus noſtris exiſtentium.

Sometime his grace preſenteth by the grant of an Aduowſon of another man, and then ye ſhall ſay.

Ratione conceſsionis A. B. cum ideni A. primam & proximam aduocationem eiuſd̄ nobis largitus eſt, &c.

And if the manor whereunto thaduowſon is appendant be parcell of the Duchie of Lancaſter, then ye ſhall ſay.

Et ad noſtram donatiõ ratione Ducatus noſtri Lancaſtr̃ ſpectañ &c. *Et ſic de reliquis.*

In a preſentation by this word Eccleſ. parochiaſ, is intended alwaies a Parſonage: Howbeit now a dayes many be wont to write, Ad Rectoriam Eccleſiæ parochialis de N. But if the preſentation be to a vicarage then may ye not ſay ad Eccl. but ad Vicar. And ỹ preſẽtment to a vicarage appertaineth of cõmon right to ỹ Parſon, for ỹ Vicar in effect is but the Parſons deputie: Howbeit the Parſon with aſſent of his patron and ordinary may grant away the patronage of the Vicarage from him and his ſucceſſors to another man and his heires or ſucceſſors for ever. Sometime one man hath the nomination to a benefice, and another the preſentation: In which caſe he that hath the preſentation can preſent no other perſon to the Ordinary, but ſuch as the other man ſhall name by his ſufficient writing vnder ſeale. Alſo the King ſhall ioyne with no man in preſentment, but ſhall haue the whole preſentment alone in all caſes.

And if the King bee intituled by reaſon of the cuſtodie of his ward, then ye ſhall ſay: Et ad noſtram donationem ratione cuſtod̃ terræ & hæredis eiuſdẽ Comitis de A. defuncti, & qui de nobis tenuit in capite, & in manu noſtra exiſtentis, ſpectañ &c.

And if the King bee intituled by reaſon of the temporalitie and poſſeſſions, of an Archbiſhoprick or Biſhoprick, being in time of vacation in his hands, then ye ſhall ſay in the preſentation: Et quæ ad noſtram ſpectat donatiõ ratione Epiſcopat̃ Cantuar̃ iam vacañ, & in manu noſtra exiſtẽ: Or, ratione vacantis ſedis Cañ & temporaliũ eiuſdem, iam de iure et facto vacañ, et in manibus noſtris exiſtentium &c.

Finally, concerning Chanteries, Free chappels, and Prebends, ye ſhall obſerue and know, that ſome be preſentatiue, and ſome donatiue. Preſentatiues, bee of ſuch nature that ye cannot conferre them but by way of preſentation to the Ordinary, the forme whereof is ſet forth before. But Chauntries, Freechappels, and Prebends donatiue, be of that nature, that ye need not to preſent the perſon to whom yee will conferre the ſame to the Ordinarie, but it ſufficeth to giue the ſame by your charter of graunt vnder your ſeale: The forme whereof inſueth hereafter. But take heed ye preſent not your Clerke to the Ordinarie vnto that which is donatiue by your letters patents, for if you doe, the nature is changed, and you can no more make collation of it, but

you

you must nedes now present your Clerke to the Ordinarie, which if you do not within six moneths, the Ordinarie may take aduantage of the Laps.

A Presentation Sede vacante.

HEnricus &c. et in terra Eccliæ Anglicanę & Hibern̄ supreṁ caput, ac verus & indubitat̄ patronus Rectoriæ siue Eccliæ pochal̄ de N. in com̄ nr̄o S.B. & dioces. ipsa sede B. & W. iã vacante, Reuerendissimo in christo patri T. Cant̄ archiep̄, totius Angl̄, primati eiusue in absentia vicario dict' sedis in spiritualibus generali, salut̄. Ad dict' Rector̄ siue Eccliam parochialē de N. modo vacantem &c. Sect. 599.

A Significauit to the Metropolitane vpon a new foundation of a Bishopricke.

REx Reuerendiss. &c. Cum nos nouã sedē Episcopal̄ infra eccliam nr̄am Cathedralē sanct' P. W. nuper fundauerim' & erexerimus, ac dilect' conciliarium nr̄m T.T. ad Episcop̄ ill̄ nominauerimus & prefecerim', ipsumq in Ep̄um loci illius et pastoral̄ ordinauerimus, et constituerimus, hoc vobis tenore præsentium duximus significandum: rogantes, ac in fide et dilectione, quibus nobis tenemini firmiter vobis mandantes, quatenus p̄fat̄ T.T. in Episcopatum W. consecrare, ipsumq put moris est, Episcopalibus insignijs inuestire, cęteraq; &c. *(vt supra)* In cuius rei testimon̄ &c. Sect. 600.

Resignations.

A Resignation of a Benefice.

THis Indenture made &c. Betweene S. late Parson of the parish Church and Parsonage of P. in the Countie of C. and in the dioceſſe of E. on the one partie, and I. B. aforesaid Priest on the other partie, Witnesseth, That where the said S. at the instance of the said I. hath resigned his said Parish Church and Parsonage into the Ordinaries hands of the same, the intent that the said Ordinarie shall institute and induct the said I. Parson of the said parish church and parsonage, whereupon it is couenanted and concluded & fully agreed betwéen the said parties, and either of them couenanteth and granteth, to, & with the other of them by this Indenture, in maner and forme following: that is to wit, the said I. for him &c. that ỹ same I. at such time after he shalbe lawfully instituted and inducted Parson of the Sect. 601

said Parish Church and Parsonage, shall make or cause to be made to the said S. such a good, sure, sufficient, and a lawfull bond, as shall be reasonably aduised, or deuised by the said S. or his learned counsell, for the assurance, suretie, and sure paiment of an annuall pension of v.li. &c. to bee paied to the said S. or his assignes, vpon the font stone in the bodie of the Cathedrall Church of saint P. in L. at two termes of the yeare: that is to wit, on the day of &c. and from yere to yere, one after another, then next and immediately following, during the life naturall of the sayde S. the first terme of paiment thereof to begin on the day of All Saints now next comming. And also that the said I. and his executors, at all and euerie time and times hereafter, shall cleerely acquite, discharge, and saue harmeleſſe the said S. and his executors, and euerie of them, as well against the Quéene our Soueraigne Ladie, as against all and euerie other person or persons, of, and for all manner of Dismes, Subsidies, Tares, and Tallages, and all other charges whatsoeuer they be, going and due to be paied and borne out, of, and for the said benefice. And furthermore, the said I. couenanteth and graunteth, to, and with the said S, by these presents, that the same I. within x. dayes, next and immediatly after that he shall bee so instituted and inducted, shall by his déede sufficient in the law, cléerely remit and releaſe vnto the saide S. all, and all manner actions, suits, quarrels, debts, debates, accompts, trespasses, iniuries, and demands, whatsoeuer they be, which against the said S. and his executors euer he hath had, now hath, or hereafter shall haue, as well by reason of dilapidations of the said Church and Parsonage, as by any other reason or cause, from the beginning of the world vnto the day of the date of the said letters of acquitance. And furthermore, the said I. for him &c. that the said I. or his assignes, before the feaſt of &c. shall deliuer or cause to bee deliuered to the said S. or his assignes, a good, sure, sufficient, and a lawfull decree, vnder the seale of the said Ordinaris, whereby, or wherewith the said parish Church shall stand and bee sufficiently charged and bound for the assurance and sure payment of the saide yearely pension of v.li. to bee payed by the said S. or his assignes, during the life naturall of the said S. after the forme abouesaid. And also the sayd I. couenaunteth &c. that in case one L.Y. one of the Patrons of the said benefice, his heires, or assignes, doe not seale the presentation, whereby the said I. should be presented Parson of the said parish Church and Parsonage: that then the said S. shall be restored againe to his said benefice without any let, gainesaying, or interruption of the said I. or any other person or persons, by, or for him: the fore-

foꝛeſaid reſignation, oꝛ any other couenant aboue ſpecified, to the contrarie in any wiſe notwithſtanding. And the ſaid S. foꝛ him &c. that if the ſaid I. well and truely perfoꝛme, obſerue and kéepe, all and euerie the couenants, grants, pꝛomiſes, and paiments aboueſaid, which on his part are to be perfoꝛmed, obſerued, fulfilled, and kept, in maner & foꝛme aboue rehearſed: that then an obligation of the date of theſe pꝛeſents, wherein the ſaid I. and one W. B. be iointly bound to the ſaid Simon in CC. Marks &c. ſhalbe voide and had foꝛ naught, oꝛ elſe it ſhall ſtand in full ſtrength and vertue, In witnes &c.

A Preſentation to a Parſonage void by Reſignation.

REuerendo in Chriſto patri & dño E. pmiſſione diuina L. epiſcopo eiuſue in ſpiritualibus Vicaꝛ generali Cancell', veſter humilis & deuotus W. M. cuſtos R. C. filij & hæredis R. C. Necnon cuſtos maneꝛ de H. cum ptiñ omnimodas reuerentias & obedientias tanto pꝛi debitas cum honoꝛ: Ad medietatẽ eccl'iæ paroch' de H. q̃ nuper obtinuit Magiſter I. V. in eadẽ eccleſ. paroch' vꝛæ L. dioceſ. ac p liberã reſignationẽ eiuſd̃ Magiſt' I. V. vacantẽ, & ad meã pꝛæſentac' rationẽ minoris ętatis pd̃ R. C. ſpectant', dilectũ mihi in Xpo mꝛm T. H. in legibus Bachalaureũ paternitati vꝛæ reuerend' charitatis intuitu pꝛeſento humil' & deuote ſupplicans quaten⁹ eund' Mꝛm T. H. ad medietat' antedict' admittere ipſumq; rectoꝛ in ead̃ cũ ſuis iurib⁹ & ptineñ vniuerſis canonice inſtituere, Ceteraq; &c. Sect. 602.

Copies of Court roll.

What a Copiholder is.

TEnant by Copie of Court Roll, is hee which is admitted Tenant of any Lands or Tenements within a Manour, that time out of the memorie of man, by the vſe and cuſtome of the ſaid Manour, haue beene dimiſable, and demiſed to ſuch as take the ſame in fee, fee tayle, for life, yeares, or at will according to the cuſtome of the ſaid Mannor, by Copie of Court Roll of the ſame Manour. And therefore they bee called Tenants by Copie of Court Roll, becauſe they haue no other Writings or Euidence concerning ſuch their lands and tenements, but Sect. 603.

only the Copies of the Rolles of the Courts of the Manors, within which they lie. And in ancient time, as Maſter *Fitzherbert* ſaith in his *Natura Breuium fo.* 12. they were called Tenants in vilenage, or in baſe tenure, or by the Verge. And in the Saxons times before the Cõqueſt, ſuch lands were called *Folkland:* At which time Charter land were termed *Bockland*, maſter *Kitchin fol.* 128. b. And Copies of Court Rolles be ſuch inſtruments as do containe the Surrenders, Preſentations, Admittances, or other acts entred in the Rols of the Court, within which ſuch Cuſtomarie lands lie and concerne the eſtates thereof, and be exemplified out of the ſame Rols in forme following, *videlicet.*

Sheffeld. Curia parua prẽnobilis G. Comitis Saloꝑ &c. Manerij ſui ꝑd', tenẽ ibm̃ x. die Septemb. Anno Regni dom̃ nr̃æ Elizabethæ dei gratia Angliæ, Francię, & Hiberñ Regiñ fidei defenſor̃ &c. 36. *The like Stile muſt be in the head of all Copies.*

Sect. 604. AD hanc cur̃ veñ A. de B. & ſurſumredd' in ead' cur̃ vnũ meſuagiũ &c. in manus dñi, ad vſum C. de D. & hæred' ſuorũ, vel hæred' de corpore ſuo exeunt̃ (vel) pro termino vitæ ſuæ &c. Et ſuꝑ hoc venit ꝑd' C. de D. & cæpit de dño in eadem cur̃ meſuag' præd' &c. Habend' & tenend' ſibi & hęred' ſuis (vel) ſibi & hæred' de corpor̃ ſuo exeunt̃ (vel) ſibi ad termiñ vitæ &c. ad voluntatem dñi, ſcd'm conſuetudinem manerij ꝑd': Faciend' & reddend' inde redd', ſeruitia & conſuetudiñ inde prius debita, & de iure conſuet̃ &c. Et dat dño de fine &c. Et fecit dño fidelitatem. Et admiſſus eſt inde tenens &c.

Inſtructions for the making of Surrenders and Copies.

Sect. 605. FIrſt note, that all the cuſtomes, fines, rents, and ſeruices which copiholders ought to do, be certainely ſet downe in their copies.

And that the lands be certainly bounded. And in like manner of all Mines of Lead, Oze, Tinne, Yron, ſtone, coales, and quarries, and ſuch like, and all intakes, incloſures, and appꝛouements.

If the partie admitted tenant be within age, his fealtie muſt bee reſpected till he be of the full age of 21. yeares, and ſo entred in the Roll and Copie.

Such eſtate, agreements, couenants, and conditions, may be made of copihold landes, by Copie, as are made of Charter landes by deede, Mutatis mutandis.

If

If the old Copies chance to bee lost, or destroyed, the Steward may make new according to the ancient Court Rols.

Surrenders may be made in Court. And by the Customes of diuers Seigniories, the same may be made out of the court to the Steward, Bailife, or Réeue of the Manor, or to one, two, or more Copiholders of the same Manor, or before two honest men of the same Seigniory, and then the same must be presented at the next Court, or some other Court of the same Manor, as the custome thereof is.

By the custome of some Manors, Surrenders and admittances of Copiholders may be made by atturney, by vertue of Letters of Atturney.

In some manors, the tenants haue the lands granted vnto them and their heires, in fée, fée taile, or for life, or yeres, according to the custome of the manor: And not at the will of the Lord, according to the custome: In which case the Rolls and Copies ought to be made accordingly.

Within some manors the Copies haue vsed to be sealed with the seale of the Steward: And in some not.

In euery case, the custome of the Manors must be diligently inquired of, and duly obserued by such as make surrenders and copies.

It is verie good to haue in euerie seuerall Manor a Customarie, faire ingrossed in parchment, of all the customes, fines, dueties, estates, and seruices, and other circumstances concerning the Copihold lands within the same Manor.

Item such estates in fée, fée taile, for life or liues, yeares, or at will absolute or conditionall, may be limited aswell by Copy, as by Charter Mutatis mutandis.

Item the names and additions of persons and landes, and other circumstances of time and place may bee so set downe in Copies, as in Charters: Mutatis mutandis, And the same to bee agreed to by all the Customarie tenants of the same Manor, with assent of the Lord of the Manor, and to bee presented by the Homage vpon their oaths, and entred in the Rolles of the Court thereof, for the certain information of the Lord and his tenants, or that ought to be giuen, taken, done, or demanded for the same.

Item the same reseruations of rents, customes, seruices, heriots, disseisins, resentries, and other things, may be contained in the Copies, as they be in Charters, Mutatis mutandis.

A Copie where the heire is admitted.

Sect.606 AD hanc Cur̃ cõperẽt eſt p homag', q̃ ante hãc cur̃ I.B. qui de dom̃ tenuit ſcd̃m conſ. manerẽ p̃d̃ ſibi & hær̃ ſuis, vnũ ten̄t voc' E. obijt inde ſeiſit̃, & q̃ R.B. eſt ei⁹ filius & ꝓx' hæres & plenę ętat̃ tẽpor̃ mort̃ patris ſui, *vel infra etatẽ, viz. xij. annorũ, & in cuſtodia &c. fratris ſui, vel conſanguinei eius*) & p̃ſens in hac cur̃ petit admitti, & admiſſus eſt inde tenens, Tenend̃ &c.

A Copie of an admittance in fee.

Sect.607. AD hanc cur̃ ven̄ I.T. & ſurſũ redd̃ in man⁹ dom̃ x. acr̃ t̃r̃ cuſtomar̃, ad opus & vſum R.B. gen̄ hęred̃ & aſſig' ſuor̃ imppet̃ p̃ virgã ad voluntat̃ dñi, ſcd̃m conſ. manerẽ p̃d̃, cui quidẽ R.B. dom̃ per Seneſc' ſuũ conceſſit inde ſeiſiñ: Habend̃ ſibi & hær̃ ſuis imperpet̃ de dño p̃ redd' x.s. per annũ. Et dat &c. Et fecit &c.

A Surrender vpon Condition.

Sect.608. AD hanc Cur̃ &c. venit I.B. & ſurſũ redd̃ &c. *vt ſupra*, ad op⁹ et vſũ I.D. & hęr̃ ſuor̃ &c. ſub conditionibus ſequent̃, viz. ſi p̃d̃ I. ſoluat, aut ſolui faciat p̃fat̃ I.C. xl.s. ad feſtũ ſancti Io. Bap. et oĩm ſanctor̃ ꝓx' futur̃ poſt dat̃ hui⁹ cur̃ ęquis portiõñ, q̃ tunc p̃ſens ſurſũ redd' ſit in ſuo robore & effect'. Et ſi ipſe defecerit in ſolutione prædict̃ in part̃ vel toto, q̃ extunc bene licebit p̃f. I.C. & aſſig' ſuis, in ten̄ta p̃d' intrare, eadẽq; rehabere in priſtino ſuo ſtat̃: iſta ſurſũ redd̃ in aliquo non obſtante, et dat &c. *vt ſupra.*

A Surrender vnto the Bailife out of the Court.

Sect.609. AD hanc cur̃ &c. comperẽt eſt &c. q̃ T.C. extra cur̃ ſurſũ redd̃ in manus I.D. Balliui iſtius manerẽ, in p̃ſentia D.R. & alior̃ tenentium dñi huius manerẽ hoc teſtantiũ, vnã acr̃ terr̃ &c. Ad opus W.I. cui dñus &c. *vt ſupra.*

A Copie after a ſeiſure.

Sect.610. AD Curiam apud S.A. ten̄t (tertio die &c.) pręceptum fuit̃ balliuo ſeiſire in manus dom̃, eo q̃ ipſe alienauerit, & vendidit dict' ten̄tum cuidam T.V. ſine licentia dñi &c. et inde reſpondebit dño de exitibus quouſque &c. et quod in iſta eadem Cur̃, dñs ex ſua grat̃ ſpeciali conceſſit

conceſſit dictum tenementum cum ꝑtinen̄ & ſeiſinam inde ꝑf. I.B. Habendum &c. *vt ſupra.*

A Grant in fee by the Lord.

AD hanc cur̄ dn̄s ꝑ Seneſ. ſuū conceſſit extra man° ſuas T.D. & A. vxor̄ eius, vnū meſuag. &c. quib° dom̄ ꝑ ſeneſchal̄ ſuū ꝑd conceſſit ſeiſin̄. Habend̄ ſibi & hær̄ ſuis imperpet̄ &c. Sect. 611.

A Surrender of land by the Verge.

AD cur̄ &c. ven̄ T.B. & ſurſumredd' &c. ad opus & vſū I.L. &c. qui ꝑſens hic in cur̄ admitti petit ad ꝑmiſſ. cui dom̄ &c. Habend̄ & tenend̄ &c. ꝑ virgam &c. *vt ſupra.* Sect. 612.

A Surrender of a Reuerſion.

AD hanc cur̄ &c. Homagiū ꝑſentat, ꝙ H.H. qui de dom̄ tenuit ſibi & hęr̄ ſuis reuerſion̄ vni° clauſi paſtur̄ &c. infra iſtud maner̄, quor̄ I. H. mat̄ ꝑd H.H. vid̄ eſt tenēs ad termin̄ vit̄ ſuæ, die̅ clauſit extrem̄ poſt vl̄t̄ cur̄. Et ꝙ R.H. eſt eius auuncul° & ꝓx' hęr̄, ſcz. frater T.H. patris ꝑd H.H. & plen̄ ætatis, qui ꝑſens hic in cur̄ petit admitti ad reuerſion̄ ten̄tor̄ ꝑd I.H. mat̄r̄ dict̄ H.H. cū acciderit vt ſuprad̄ eſt, cui dn̄s &c. poſt mort̄ &c. *vt ſupra.* Sect. 613.

A Copie in ancient demeſne, where the wife ſhalbe examined.

DAle &c. Ad Cur̄ &c. T.B. de N. & E. vxor eius hic in plen̄ cur̄, quę quid̄ ſola ac ſeorſū ꝑ Seneſ. examinat̄ & confeſſa ſurſumredd̄ &c. ꝙ nec metu, nec vi coacta, nec dolo circūuent̄, ſed ſcient̄ & mera & ſpōtanea voluntat̄ ſua motuq; ad opus W.C. vnde ex conſuetudin̄ manerij ꝑd accipit dn̄o vnus equ° de heriot̄. Et ſuꝑ hoc ven̄ dictus W.C. & cepit de dom̄ dict̄ meſuag. &c. *vt ſupra.* Sect. 614.

A Copie in ancient demeſne with Proclamations.

AD hanc Cur̄ &c. A.C. venit, & ſurſum reddid̄ &c. ad opus T. H. hæred̄ & aſſignat̄ ſuorum imperpetuum, virtute barganiæ ſiue pactionis inter eos factæ. Et ſuper hoc publica Proclamatio in eade̅ curia facta fuit, quod ſi quis aliquod ius ſeu titul̄ ad idem meſuagium &c. pretendere voluit vel haberet, veniret & audiret̄, Et nullus venit ad hanc Cur̄, per quod ſecundum conſuetud' manerij prædict̄ meſuag' &c. Sect. 615.

&c.remanerent in manibus dñi vſq; ad tertiã ꝓclam̃ ſup eiſd̃ factam. Et ſup hoc dies data eſt ptibus p̃d̃ eſſendi ad ꝓxim̃ cur̃ maner̃ p̃d̃ ad audiend̃ inde iudiciũ ſuũ,de & ſup p̃miſſis.

Et ad hanc cur̃ &c:tã p̃d̃ A.A.q̃ pręd̃ T.H.venerunt,Et ſup hoc ſecunda ꝓclamatio facta fuit ſup p̃miſſ. q̃ ſi aliquis &c.*vt ſupra*,& nullus venit.Et ſup hoc dies dat̃ eſt partibus præd̃,&c.*vt ſupra*.

Et ad hanc cur̃ &c.tam præd̃ A.A.q̃ præd̃ T.H. venerunt,Et ſuper hoc tertia ꝓclamatio facta fuit ſup præmiſſ.q̃ ſi aliquis &c. *vt ſupra*, & nullus ad hanc venit.

Et ſuper hoc dñus per W.H. Seneſchall̃ ſuũ conceſſit ſeiſinã ſuã de præd' meſuagio &c.p̃fat̃ T.H.tenend̃ ſibi & aſſig' ſuis ſcd̃m conſuetud̃ maner̃ præd̃.Et dat dño de fine pro ingreſſu &c. Et admiſſus eſt inde tenens,& fecit fidelitatẽ &c.

A Copie in taile with remainders.

Sect.616 AD hanc cur̃ comper̃ eſt, q̃ R.B.de A. ad Cur̃ tentã &c.ſurſũreddidit in manus dñi vnũ tentũ &c.ad opus R.C.filij eiuſd̃ R. & A vxoris ſuæ,quibus dñus conceſſit ſeiſiñ,tenend̃ ſibi & hær̃ de corporibus eorũ legitime procreatis. Et ſi p̃d̃ R.& A.vxor eius ſine hæred̃ de corporibus eor̃ legitim̃ ꝓcreatis obierint,q̃ tunc p̃d̃ tenement̃ cum ſuis ptiñ remaneant rect' hęred̃ ipſius R.B.Et modo cur̃ iſta informat̃ p totũ homag' q̃ p̃d̃ R.& A. obierint ſine hæred̃ int̃ eos ꝓcreat̃,& p̃d̃ R.B.ſimiliť. Et ſuper hoc venit I.B. frater & hęres pręd̃ R.B. & petit admitti & admiſſus eſt tenens &c. Et per licentiam domini præfat̃ I. B. petit admitti ad tenementũ prædict' cum pertineñ, cui dñus inde conceſſit ſeiſinã tenend' ad voluntatem dñi ſcd̃m conſuet̃ &c. Et dat domino &c.

A Surrender out of a Court.

Sect.617. AD hanc cur̃ &c. compertum eſt per Homagium, quod R.R. tenens cuſtomarius huius Manerij, extra cur̃ ſurſumredd' in man' domini,per manus W.T.& R.M. duorum cuſtomar̃ tenent̃, huius manerij,ſcd̃m conſuetudinem huius manerij extra cur̃, totũ illud meſuag' &c.ad opus et vſum dict̃ R. R. pro term̃ vitę ſuæ naturalis. Et poſt deceſſum dict̃ R. R. tunc ad opus & vſum T. B. & hæred̃ de corpore dict̃ T.legitime ꝓcreator̃, Et pro defectu talis exitus de corpore dict̃ T.B.legitim̃ ꝓcreat̃,rem̃ inde I.I.filio R.I.gener̃, hered' & aſſigñ ſuis imperpet̃.Et dic' q̃ p̃d̃ R. obijt, & nunc ad iſtã cur̃ p̃d̃ T.B. venit, & petit

petit admitti ad oĩa & ſinguł præmiſſ. prædꝯ, Et ad hanc curꝫ dñus per I.K. ſeneſchałꝫ ſuum conceſſit inde ei ſeiſinam per virgã. Habẽdꝫ et tenendꝫ eidem T.B.& hæred' de corpore ſuo legitime ꝓcreat'. Ft ꝓ defectu talis exitus remanerẽ ad opus et uſũ dict' I.I. & hæredꝫ ſuorũ imꝑpetuũ. Et prædꝯ T.B. dedit dño &c. Et admiſſus eſt inde tenus.

A Surrender before the Steward out of the Court

AD hanc Curꝫ teſtatum eſt per W.T. ſeneſchałꝫ qd' W.N. in extremis iacens decimo die A. annꝰ reg. dict' dñæ Reg. 54. ſurſumredꝫ in manus dñi, per manus eiuſdẽ Seneſ. (abſente curꝫ) in præſenc' R.C.R P.& C.H. vnum tenũ &c. ad opus et vſũ M. vxorꝭ ſuæ, ꝓ termino vitæ, & poſt deceſſum ipſius M. manere W.T. filio ꝑdꝯ W. patris, et E. filię eiuſdꝫ W. patris ac ſororꝫ prædꝯ W. filijs et hæred' ſuis, ſub conditione tamen ſequent': Quod ſi contingat aliquem predꝯ W. filij & E. filiæ obire ſine hęred' de corpore ſuo exeunt', q tunc ipſe vel ipſa, qui vel quę ſuperuixerit, habebit et gaudebit tenẽt ꝑdꝯ ſibi & hęredꝫ ſuis imꝑpetuũ. Seꝯ. 618.

Et ſuper hoc venit in iſta curꝫ ꝑdꝯ M. & petit ſe admitti ad tenẽt prædꝯ cum ꝑtiñ, cui dñus ꝑ I. K. ſeneſ. ſuũ conceſſit inde ſeiſinam per virgã. Habendꝫ ſibi in forma pręd' ad voluntatẽ dñi ſecundꝫ conſuetudinẽ manerij. Et dat domino &c.

A Copie for two liues.

AD hanc Curꝫ &c. I.D. & vxorꝭ eius, ipſa ſola examinata corã Seneſ. & ſurſumredꝫ in manus dñi vnũ tenẽt cũ ꝑtiñ in A.&c. ad opus & vſũ G.H.& A. vxoris eius: ad termñ vitę eorũ & alterius diutius viuent', ſecundꝫ cõſuetudinẽ manerij. Et dant domino &c. Seꝯ. 619.

A Surrender for liues with remainders.

AD hanc Curꝫ &c. venit A.T. & ſurſumredꝫ &c. vnum meſ. &c. vt dominus facerit inde voluntatem ſuam, & dñs inde habuit ſeiſinã Et ex gratia ſua ſpeciali reconceſſit prædꝯ meſuag' & terꝛ ꝑf. A.T. & K. vxori eius durante vita eorum, Ita qd' poſt eorum deceſſum dictũ tenẽt et terꝛ remaneant K. vxori W. durant' vita ſua. Et poſt deceſſum ipſiꝰ K. ꝑdꝯ terꝛ & tenẽt remaneat rectis hæred' ipſius A. T. imperpetuũ. Tenend' eidem A.T. & I. vxori eius durante tota vita eorum ꝑ virgam ad voluntatem dñi, ſecundꝫ &c. in forma ꝑdꝯ: Saluo iure cuiuſlibet &c. Et ꝑdꝯ A. T. & I. dant &c. Seꝯ. 620

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A Surrender out of the Court, and a remainder with a Condition.

Sect.621. AD hanc Cur̃ &c. quod R.F. langues in extremis ſurſum redd̃ in manus B.R. extra cur̃, per manus I.H. in p̃ſentia A.B.C.D. tenent̃ huius manerij hoc teſtantium, vnũ meſuagiũ cũ p̃tiñ &c. ad op' A. vxoris p̃d̃ R.F. tenẽd̃ ſibi pro ſeruitio inde debit̃, ſc̃d̃m conſuetud̃ maner̃ pro termino vitæ ſuę. Ita quod poſt mortem dicti A. p̃d̃ meſuagium remaneat I. filio p̃d̃ R. & A. & hæred' de corpor̃ ſuo legitime ꝓcreatis. Et ſi contingat dict̃ I. obir̃ ſine hærede de corpor̃ ſuo legitim̃ ꝓcreato, ꝙ tunc præd̃ meſuag' remaneat R. filio pred̃ R. & A. & hær̃ de corpore ſuo legitime ꝓcreatis. Et ſi contingat dictũ R. obire ſine hær̃ de corpor̃ ſuo legitim̃ ꝓcreat̃, ꝙ tunc præd' meſuag' ꝓ executores, vel alterũ eorũ diutius viuent̃, vendere t̃, & denarij inde recepti & ꝓuenientes in pauperes, & alias eleęmoſinas erogentur, diſponent̃, & diſtribuantur, ꝓut̃ eis melius videbitur expedire, quibus dñus inde conceſſit ſeiſinã, tenẽd̃ in forma p̃d̃, ad voluñt̃ dom̃ ſc̃d̃m conſuet̃ maner̃, et dat dño &c.

A Copie for life by a man and his wife.

Sect.622. AD hanc Cur̃ venit I.H. & R. vxor eius, ipſa ſola examinata coram Seneſchall̃, ſurſum redd̃ in manus dñi vnũ teñt̃ &c. ad opus & vſũ G.H. & I. vxoris eius ad term̃ vitę eorũ, et alteri' eorũ diuti' viuent̃, ſecund̃ conſeut̃ maner̃. Et dat dño &c.

A Copie for three lines, made by a Surueyour.

Sect.623. AD Cur̃ maner̃ p̃d̃ ibid̃ teñt̃ &c. venit I.G. et cepit de dño ex traditione R.F. armig' particular̃ ſuperuiſoris terrar̃ dñi ibm̃ p literas eiuſd̃ dñi patent̃ ſufficient̃ authorita t̃ dantes &c. vnũ teñt̃ &c. Habend̃ & tenend̃ oĩa & ſingula p̃miſſ. cum ſuis p̃tiñ p̃f. I.G. & E. vxor̃ eius ac A. filię eorundem, ad termiñ vitę eor̃, et alterius eorum diutius viuentis ſucceſſiue, ad voluntatem dñi ſecundum conſuetudinem maner̃, per redditum & ſeruitium inde prius debita & de iure conſuet̃. Et dat dño de fine &c.

A Licence to demiſe for yeares.

Sect.624. AD Cur̃ &c. Conceditur R.H. vid̃ poteſtas & licẽtia dimittend' vnũ claus. paſtur̃ vocat̃ N, viz. cum pertiñ iacen̄ & exiſten' infra iſtud manium T.P. & aſſign̄ ſuis, a feſto &c. vltim̃ p̃terit̃, vſq; ad finem termini

termini xxj. annor̄ tunc proxim̄ ſequen̄ & plenariè complend̄. Et dat domino de fine p̄ro licentia inde habend̄ iij. s. Et ſuper hoc idem hic in cur̄ admittitur &c.

For yeares where the Lord ſhall find Tymber.

AD curiam, dominus per I. F. Seneſchallum ſuum conceſsit E. R. vnum meſuagium &c. vocat̄ A. Habend̄ & tenend̄ ſibi & aſsignatis ſuis, à feſto ſancti Mich. archang' p̄xim̄ futur̄ poſt dat̄ huius cur̄, vſque ad finem & terminū xl. annorū extunc proximo ſequentiū & plenariè complendorū: Reddend̄ inde annuatim xx. s. ad duos anni term̄, viz. &c. per equales portiones. Prouiſo ſemper, quod durante termino p̄dict' p̄d̄ dñs inueniet materiā & ligna, toties quoties neceſſariū fuerit dicto tenemento, ad emendandum reparandum, & ſuſtinend' illud. Et dat domino &c. Sect. 325.

A Copie for yeares the Tenant repayring.

AD curiā nr̄i R. A. Præpoſiti collegij Regul' Mariæ de E. iuxta W in Com̄ B. dn̄i ibidem, tenṫ ibidē tertio die &c. ſic irrot̄, venit N. S. & dat̄ dño de fine p̄ termino ſibi habendo, de, & in ſcitu manerij de V. &c. Et dn̄s conceſsit p̄dict̄ ſcitum manerij &c. pro termino viginti vnius annorum. Habend̄ et tenend̄ prædict̄ ſcitū manerii &c. pręfat̄ N. S. et aſsign̄ ſuis p̄ dicto term̄ viginti vni' annorū, termino præd̄ incipiente in feſto Mich. archang', quod erit in anno dn̄i 1599. ſecund̄ conſuetudinem man̄ii ibidē: Reddend̄ inde annuatim dño et hęredib' ſuis ad terminos ibim̄ vſuat̄ x. li. et ſectam cur̄ maner̄ p̄dict' bis p ann̄. Et reperand̄ ac manutenend̄ oīa ędificia ibid̄ mod̄ ędificat̄, ac omnes ſepes ac foſſat̄ ad dict̄ terr̄ pertin̄ durante termino pręd̄. Et ſufficient̄ reparat̄ dimittend̄ in fine termini ſui pręd̄. Et præd̄ N. S. & aſsign̄ ſui in fine termini ſui pręd̄ ſol̄ harriot̄ v. s. Et fecit dño fidelitatē, & admiſſus eſt inde tenens durante termino prędict̄ &c. Sect. 626.

A confeſſion of a Freeholder and a Copyholder.

AD hanc cur̄ venit A. B. coram T. P. Seneſchall' huius manerij, & cognouit ſe tener̄ de dño vnū meſuagiū &c. libere p chartam in ſocagio, per redd̄ xii. d'. vel i. libr̄ piperis, ſectæ curię bis per annū. Et etiam dictus A. B. cognouit ſe tenere de dño aliud meſuagium ad volūtatem dn̄i ſecund̄ conſ. manerii. Et per redd̄ &c. Sect. 627.

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A Releaſe by a Copie by licence.

Sect.628. AD hanc cur̃ tenr̃ &c. compertũ eſt q̃ dñs p̃ T.P. Seneſchall̃ ſuum ad cur̃ tenr̃ apud C.tali die & añ conceſſit extra manus ſuas W.P & hęr̃ ſuis,vnã peciã tr̃,continenr̃ circa tres acras tr̃, ſiue plus ſiue minus habeat,quond̃ T.C. in A.iacen̄ inter &c.Habend̃ & tenend̃ &c.ad voluntatẽ dñi ſecund̃ conſ.mañij.Et poſtea venit quęd̃ A.W. corã p̃f. T.P.Seneſch.dñi,& prætendit habere titul̃ in p̃d̃ pecia tr̃, & hic p̃ſens in cur̃ remiſit,relaxauit,& imperpet̃ quiet̃ claim̃ W.P. & hęr̃ ſuis,p licentiam dñi,totũ ius ſuũ & clam̃ q̃ habet,vel habuit,vel in futur̃ habere poterit in p̃d̃ pecia tr̃,& in qualibet inde p̃cella. Ita viz. q̃ nec ipſa A. nec hær̃ ſui, nec aliquis alius nomine eor̃,aliq̃ ius, titul̃, intereſſe, vel claim̃, in p̃d̃ pecia de cætero exig. vel vend̃ poterit, ſed ab omni acc', iur̃,ſeu clam̃,ſint excluſi per p̃ſentes.&c.Et dat̃ dño &c.

A Copie to the husband and wife,with a Releaſe to them by another.

Sect. 629. AD hanc cur̃ compertũ eſt p̃ homag', q̃ W:H.poſt vlt̃ cur̃ ſurſum redd̃ in manus dñi tenemtũ &c.ad opus & vſum M.vxoris eius & hęr̃ ſuorũ.Et ſup̃ hoc ven̄ in plena cur̃ I.H.qui iã dict' M.in vxorẽ duxit cum p̃d̃ M.& petunt admitti ad p̃miſſ. quibus dñs p̃ ſeneſchall̃ ſuũ conceſſit inde ſeiſin̄.Habend̃ & tenend̃ eis & hær̃ dictæ M.de dño per virgã ad voluntat̃ dñi ſcd̃m conſuet̃ manẽr̃ p̃d̃, per redd̃ &c. Et dant dño &c.Et fec' &c.Et admiſſ.&c.Et poſtea ven̄ S.T.et ſurſumredd',relaxauit,& quiet̃ clamauit dict̃ I.H.& M. vxor̃ eius in plena & pacifica poſſeſſione exiſten̄,de et in ten̄tis p̃d̃,totum ius,ſtat̃,titul̃,clameũ,intereſſe,conditiones,& dampna ſua quæcunq; q̃ habuit, habet, ſeu habitur̃ ſit,de,& in tenement̃ &c.Ita qnod &c.

A Releaſe of a title of Dower.

Sect.630. AD cur̃ tenr̃ &c.venit I.T.nuper relict' I.T.viri ſui defunct', et prętendit habere titul̃ in vna domo &c.viz.tertiã partẽ oĩum trar̃ et ten̄tor̃,reddit̃ & ſeruic' cum p̃tin̄ nomine dotis ſuis, ex donatione dict̃ I.T.viri ſui p̃ quadam pecuniarum ſumm̃ ſibi per W.A.præ manibus ſolut̃,ſurſumredd',remiſit,& relaxauit p̃f. W.A.præ manibus ſuis,totũ ius ſuum,ſtat̃,titul̃,clameum,intereſſe, et demand' ſua quęcunq;, q̃ habuit,habet, ſeu habitura ſit in præmiſſis: Ita viz. q̃ nec ipſa I. nec &c. *(vt ſupra.)*

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A Certificat for payment of Subsidie money.

WEe whose names are here vnder written, Commissioners of our Soueraigne Ladie the Queenes Maiestie, amongst others within the Countie of W. for the taration, leuying and collection of the second paiment of the first of the two Subsidies granted to her Maiestie in the Parliament holden at W. in the xxi. yere of her highnesse Raigne Doe signifie vnto the right honorable the L. treasorer, the Barons of the Exchequer, and to all other her Maiesties Commissioners and Officers to whom it shall appertaine, That A. B. of W. in the Countie of W. Esquire, is tared and assessed to pay to our Soueraigne Lady the Queenes Maiestie, for the second payment of the sayd first Subsidy, and hath payd &c. after the rate of xx.li. in land, amongst the inhabitants of the parish of W. in the hundred of &c. in ỹ said coũtie of W. at which place the said A. B. was altogether resident with his familie at the time of the taration of the said said Subsidie, Giuen vnder our hands and seales the first day of D. in the yeare of the raigne of our said Soueraigne Lady D. Elizabeth the xxtiii. Sect. 631.

Last Willes and Testaments.

HAuing hitherto intreated of Instruments of such contracts as take effect in the life time of the parties, with their manifold difference and examples: It is now time to deale with Instruments which take effect after their deathes. Of which sort be last Willes and Testaments, & letters of administration, which is a matter of no lesse difficultie then those other, aswell for their great diuersitie, as also for their obscuritie, ambiguitie, & incertainty: For many times it is doubtful in what sence the Testator would haue his words taken, insomuch that his will therein may rather by probable argument be guessed then rightly gathered. Sect. 632.

By meanes whereof it happeneth oftentimes, that things well meant by the Testators, are euill and diuersly vnderstood by their posteritie and suruiuors. Which difficultie deceiueth sometime not onely the common sort, but euen men of good iudgement: Insomuch that of one selfe question they pronounce different opinions.

As if a man deuise lands to I. S. to haue and to hold to him forever, and

and die, and the deuiſee enter into the ſame lands, ſome thinke hee hath thereby fee, Littlet Sect. 586. and 22. E. 3.

And others thinke hee hath onely an eſtate for terme of his life, for they hold that theſe words (for euer) can extend to none other then the deuiſee. becauſe no moe perſons be named in the deuiſe. And that the life of man in this reſpect, is ſaid to be for euer with him. Perkins Sect. 557.

But ſeeing all the ambiguities and incertainty of willes happen chiefly through the obſcuritie in the words or ſentences thereof, it behoueth Notaries, and ſuch as write Willes, to haue ſpecial care to ſet downe the Teſtators very ſence and mind very plainely, with apt and ſignificant words and phraſes, omitting all ſuch as be either hard to be vnderſtood or diuerſly to be taken.

Notwithſtanding that Willes being doubtfull, are alwaies to receiue a benigne and fauorable interpretation, that if by any meanes it can, they may ſtand and be of force: for much better it is that Wils be perſpicuous of themſelues, then to be inlightned by the expoſition and allowance of others.

We will therefore in this treatiſe, diſcourſe of ſome points of the doctrine and examples of laſt Wills and Teſtaments, plainely, and briefly, leauing preciſe and curious queſtions to be handled by others of better ſkill.

Of ciuill ſucceſſion, and what laſt Wills and Teſtaments be.

Sect. 633. LAſt Willes and Teſtaments, are a kind of Ciuill ſucceſſions.

For ciuill ſucceſſion is deuided into ſucceſſion immediate or lawfull, and mediate or teſtamentarie.

Succeſſion mediate or teſtamentarie, is when the perſon deceaſed made a Will.

This hath his efficacie by law, and that by mans Will which receiueth full ſtrength by and after the teſtators death, and not before, and therefore it is called a laſt Will.

The other is called lawfull ſucceſſion, becauſe it hath being by the operation of law onely.

And the mediate ſucceſſion, is termed teſtamentary (by Synecdoche) for that a teſtament is the principall kind or part of laſt Wills.

Hereby it ſeemeth with vs that an executor may be termed a ſucceſſor teſtamentary, which is made by the laſt Will.

And an Adminiſtrator, a Succeſſor lawfull, which ſucceedeth him which dieth inteſtate.

And

And for as much as while a teſtament is hoped, there is no place for lawfull ſucceſſion, the doctrine of that ought to proceed thus.

A laſt will therefore (vltima voluntas) is the diſpoſition or beſtowing of a mans owne goods and lands, taking effect after his death.

And it is a Teſtamentarie or Codicillarie: namely which is made by Teſtament, or Codicill, or Scedule.

A Teſtament is defined by moſt men voluntatis noſtræ iuſta ſententia, de eo quod quis poſt mortem ſuam fieri velit, for the perfecting of which definition, it ſeemeth good to adde theſe words, (cum executoris inſtitutione) for without an executor there can be no teſtament, for thappointing of an executor is the true formall cauſe thereof, giuing eſſence thereunto.

And therefore ſome ſhortly define a Teſtament (hæredis inſtitutio) which is the naming of an executor, whereupon we may ſay, a Teſtament is a iuſt ſentence, or declaration of our minde, concerning that which we would haue done after our deaths, with the ordaining of an executor thereof.

Or rather a teſtament is a laſt will, which of his owne nature in it ſelfe containeth a direct inſtitution of an executor.

The doctrine of Teſtaments ſtandeth vpon two parts, the making and deſtroying thereof: both which, and alſo the will of euerie teſtator are to be meaſured by the rules of the law.

The making of a teſtament is the right which giueth the communion or participation of the teſtament. And this is chiefly regarded in the perſons, and the forme of the teſtament.

And perſons are principall or leſſe principall: the principall perſons be the teſtator and executor, leſſe principall be the witneſſes and legatories: hereupon the making onely of a teſtament is actiue and paſſiue

The actiue making of a teſtament is that which belongeth to the teſtator, that he haue right and power to make a teſtament.

And the paſſiue making of a Teſtament, is that right which pertaineth to the executor and other perſons leſſe principall in teſtaments, as to be made executors, legatories, or witneſſe thereof, to take ſome legacies or benefits therey.

What perſons may make Teſtaments, and what not.

Sect. 634. And all perſons aſwell males as female may be teſtators and make teſtaments, but ſuch as are prohibited: of which ſome are forbiden to make teſtaments by nature, and ſome by law.

By nature, through defect of minde or bodie, but no longer then ſuch defect endureth.

The defect of minde is when either his age is ſuch that hee wanteth diſcretion, or being of age wanteth it by Chance, either naturall or caſuall: Of the firſt ſort be children which know not what they ſhould do, as men vnder xiiij. yeares old, and women vnder xij. yeares, which abone that age may make Teſtaments, but not of their lands of inheritance before the age of xxj. yeares, 34. H. 8. ca. 5. S. li. 1. ca. 21. li. 2. c. 28 Heretunto may be added doting old perſons wanting iudgement, and drunkards void of reaſon.

Of the later ſort bee mad ſoles and Ideots at that time of the making of the Teſtament.

The defect of body, is ſuch infirmitie by which the principall ſenſes neceſſarie for the making of Wills are hindred; as deafneſſe, blindneſſe and dumbneſſe.

Dumb or deafe folkes by nature can make no teſtaments; but they being ſo by chance or accident may make teſtaments if they bee learned, and can write and read.

And blind folkes and dumbe folkes may in ſome cauſes by ſignes, if they could once ſpeake.

By Law are forbidden Teſtari ſuch as be ſubiect to others power, as bondſlaues villaines, (but ſuch as be executors to others) and women couert, without conſent of their husbands (except executrices to others or of choſes in action) Monkes, Chanons, Friers, and ſuch other ſuperſtitious votaries, 24. H. 8. 16. 2. R. 2. 5. And ſuch as haue no eſtate or abilitie, as traitors, felons conuict, notorious heretickes, Apoſtates, captiues by iuſt wars, perſons outlawed or waiued, perſons impriſoned by dures, a felon of himſelfe: for theſe perſons haue no goods.

Who may be executors or legatories, and who not.

Sect. 635. The paſſiue making of a Will is a right to take by Teſtament, which right all loyall ſubiects haue, as freemen, villeins, men, women ſingle

ſingle or married, children, yea though they be in their mothers wombe lay men, and clerkes. But traitors, felons, heretickes, apoſtates, perſons outlawed, and ſuch others, may not make teſtaments, nay neither be executors nor legatories.

What perſons may be witneſſes of Teſtaments.

Perſons leſſe principall are witneſſes of the making of the teſtament, which muſt be three or foure, or more ſufficient perſons hauing power to make Teſtaments, and void of naturall and ciuill impediments which may impeach their credite and teſtimonie. Sect. 636.

How Teſtaments are to be made.

We haue ſpoken of the perſons requiſite in Teſtaments: now let vs view their forme or maner of making and publiſhing of them. The forme truely of making Teſtaments, is the very diſpoſition of the Teſtament rightly made, which is conſidered in the ſubſtance and inward forme thereof, and in the outward action of making and proofe of the ſame Teſtament. Sect. 637.

The ſubſtance or forme of Teſtaments conſiſteth in the very inſtitution and the ordeining of an executor, and in the things of which diſpoſition is thereby made.

The inſtitution of an Executor, is nothing elſe, but the Teſtators naming and appointing whom he will haue to be his ſucceſſor in his ſtead to enter and to haue his goods and chattels, vſe actions againſt his debtors, to paie his debts and legacies ſo far as his goods and chattels will extend.

And an executor may be either of all the Teſtament, and then he is tearmed vniuerſall; or of part, as of plate &c. and then he is named a particular executor.

Furthermore, the inſtitution of executor is pure, or mixt.

A pure inſtitution of an executour, is, when one or more executors bee ſimply made without time or condition: for the Teſtator may aſſigne as many executours as hee will, being capable thereof, as if he ſay, I make A. B. mine Executor, or any other wordes of the like ſence.

The mixt inſtitution of a Teſtament is vpon time or vpon condition.

Vpon time, as if the Teſtator make I. S. his executor, when hee commeth to full age, or from London, or while he dwelleth at L. &c.

and ſuch like references to time, as to make him executor during ten yeares, or after ten yeares, &c.

Upon condition, as when the Teſtator appointeth I. S. his executor, if hee before probation of the Teſtament find ſufficient ſureties for the performance of his will, or with the addition of any other poſſible honeſt condition or conditions, for impoſſible conditions hinder not the pure making of the executors.

And as one or more executors may be made ſimply or conditionally, or with reference to time, ſo may legacies and deuiſes be made to one or moe ſimply or conditionally, or with reference to or from time.

And note that although that in the aſſignatiõ of executors, and giuing of Legacies, and making of deuiſes, our Law reſpecteth not ſo much the naturall propertie and ſignification of words as the true intent and meaning of the Teſtator, whoſe mind is the very life and ſoule of the Teſtament: yet it is alwaies very requiſite that the writers of teſtaments doe expreſſe the ſame with as apt and ſignificant words as may be, for auoiding of all ſcruples as may otherwiſe happen by doing the contrary.

Of making of Teſtaments.

It followeth to ſpeake of the very action of making a Teſtament, which conſiſteth chiefly in the fact thereof, and putting of witneſſes thereunto, which is to be done at one ſelfe time.

The forme of publiſhing a teſtament is the very action whereby a teſtament is produced, publikely opened, recited, or made knowne.

Of the deſtroying of Teſtaments.

Sect.638. The deſtroying or weakening of a Teſtament, is when the perſon named executor, cannot, or will not be executor, or die before hee ſhall take vpon him the executorſhip, or ſhall not be capable thereof.

Of A Codicil.

Sect.639. THe later kind or part of ſucceſſion vniuerſall, is termed Codicillarie.

A Codicil is an imperfect laſt will of one teſtate or intеſtate, not appointing any executor, which may be either written or nuncupatiue.

And

And it ſkilleth not in what part of a teſtament the executor is named. Howbeit it ſeemeth good to name him in the verie beginning, becauſe the appointing of an executor is the very head and foundation of a teſtament, without the which, neither can it ſtand, nor any deuiſe or legacie be effectuall. And againe a Codicil is either perfect or imperfect.

A perfect Codicil is a Codicil hauing an oblique inſtitution of an executor: this Codicil reſembleth a Teſtament, and is in ſtead of a Teſtament of one dying inteſtate.

An vnperfect Codicil is an addition annexed to a Teſtament, and it is teſtamentarie or ſubſidarie.

A Codicil teſtamentarie, is a part of the Teſtament, and an addition or ſupplement thereunto, by which ſome thing is added to a teſtament, or ſome thing detracted there from, by the teſtator, for the explaning & amendment thereof.

A ſubſidarie Codicil is inſerted into a teſtament, to the end, that if, that it be not of force by the right of a teſtament, it may be effectuall as a Codicil, and is rather termed a codicillarie clauſe than a codicill.

Of Teſtaments written and nuncupatiue.

And euerie Teſtament is either written or nuncupatiue: A written Teſtament is that which at the verie time of the making thereof is put in writing, by which kind of teſtaments onely lands and tenements may bee deuiſed, for they cannot paſſe by a nuncupatiue in our laſt will made by word. Sect. 640.

A nuncupatiue Teſtament is when the teſtator doth by word only without writing declare his will before a ſufficient number of credible witneſſes.

Teſtaments nuncupatiue for the better proſe and continuance thereof, may after the making of the ſame bee put in writing and prooued: which notwithſtanding that they be ſo written, are ſtill called, and are in deed Teſtaments nuncupatiue.

Of ſucceſſion vniuerſall lawfull, and adminiſtration.

When hee that is dead is inteſtate, either for that hee made no Teſtament, or made one, and the executor refuſe to proue it, or otherwiſe, is of no force: Then lawfull or immediate ſucceſſion taketh place. Sect. 641.

And this ſucceſſion is called adminiſtration, which is that truſt

which the Ordinarie of the place where the intestate dyed, committeth to any person touching the intestates goods, chatels, credits and rights, for whereſoeuer a man dyeth intestate, the Ordinarie of that place may commit thadminiſtration of his goods to his wife (if shee suruiue) or to the next of the intestates kin requiring the same, by the statute 21. H. 8. ca. 5.

And the power and charge of an Adminiſtrator is equall in euerie respect to the power and charge of executors, for they are both to haue and sue for his goods and debts withholden from them, and are bound to pay his debts by specialtie, according to the value of his goods, 31. E. cap. 11.

And sometimes further by their delaies or false plees which lie in their owne notice, and being true, are peremtorie bars to the creditors of their testator or intestate. But hast we to the seuerall formes of Teſtaments, Codicils, and bils of Adminiſtration, beginning with Teſtaments.

A verie perfect forme of a Will.

Sect. 642. IN the name of God Amen, The 11th. day of Aprill in the yeare of our Lord God, one thousand fiue hundred and ninety two, I I. H. the vnprofitable seruant of GOD weake in bodie, but strong in minde, doe willingly and with a free heart render and giue againe into the handes of my Lord GOD and Creator, my spirite, which he of his fatherly goodneſſe gaue vnto mee, when hee first fashioned mee in my mothers wombe, making mee a liuing and a reasonable creature, nothing doubting but that for his infinite mercies, set forth in the precious bloud of his deerely beloued sonne Jesus Christ our onely Sauiour and Redeemer, hee will receiue my soule into his Glorie, and place it in the companie of the heauenly Angels and blessed Saintes. And as concerning my bodie euen with a good will and free heart, I giue it ouer, commending it to the earth whereof it came, nothing doubting but according to the Article of my faith, at the great day of the generall resurrection when we shall appeare before the iudgement seate of Christ, I shall receiue the same againe by the mightie power of GOD, wherewith hee is able to subdue all thinges to himselfe, not a corruptible, mortall, weake and vile bodie, as it is nowe, but an incorruptible, immortall, strong, and perfect bodie in all poyntes like vnto the glorious bodie of my Lord and Sauiour Jesus Christ. First, as touching my wife

with

with whom I coupled my ſelfe in the feare of God, refuſing all other women, I linked my ſelfe vnto her, liuing with her in the bleſſed eſtate of honorable wedlock, by whom alſo by the bleſſing of God I haue now foure Sonnes and three Daughters, viz. F. W. L. I. Ia. F. and A. And albeit I doubt not but that God after my departure, according to his promiſe will be vnto her a huſband: yea a father, a patron, and defender, and will not ſuffer her to lacke if ſhee truſt, feare and ſerue him diligently, calling vpon his holie name: yet for aſmuch as God hath bleſſed mee with worldly ſubſtance, and ſhe is mine owne fleſh, and who ſo prouideth not for his, denyeth the faith, and is worſe then an Infidell: I therefore giue and bequeath vnto her for terme of her life, if ſhee remaine ſo long vnmarried, the occupation of this houſe, and farmeholdes wherein I now dwell at Y. with the appurtenances, euen as I preſently occupie the ſame. And alſo the rentes and profites yearely ariſing of my farmeholdes in Y. in the tenure of I. L. And likewiſe the occupation of all other my landes and tenements, ſet, lying and beeing in the Pariſh of M. in the Countie of Y. doing no waſt, with alſo her Thirds out of all my goods (except my Leaſes) obſeruing the conditions, giftes, bequeſts and legacies hereafter inſuing, in full recompence of her Thirds or Dower of all my Lands and Tenements. And except and alwaies reſerued to mée and mine Heires for euer, my Ring of Gold which I vſe to weare and Seale withall, and all mine Armor, and furniture for the warres, &c. with all the Glaſſe and Wainſkot in and about my houſes at Y. All which my willis, ſhall be annexed to the freehold, and remayne as heire-lomes to my ſayd houſe and mine heires for euer. And if it ſhall fortune my ſayd Wife to Marrie againe and take an Huſband, then my will and full minde is, that my ſayd houſe at Y. and all other my ſayd Lands, Tenements and Fermes at Y. and D. aforeſayd with their profites and appurtenances, ſhall remaine, diſcend, and come immediatly to the vſe, behoſe, and occupation of W. L. I. and A. my Children, during the Minoritie of mine Heire Male, (doing no maner of waſt during the ſaid terme.) And in full recompence thereof, my ſaid Wife to haue during the terme of her life naturall the ſumme of fortie pounds of lawfull money paid yerely out of my foreſayd lands and tenements in Y. and D. wherewith ſhe ſayeth ſhee is now right well pleaſed and contented: Let this ſuffice for my Wiues portion, whome I doubt not but God will take into his protection, and ſo prouide for her in the time of her ſhort pilgrimage, that ſhee ſhall want no good thing: And I hartely deſire her, that ſhee be

diligent in trayning vp our said children in the feare and doctrine of the Lord, so shall God bee vnto her a husband, and to the children a Father. Moreouer as touching my children, albeit I am fully perswaded that God according to his promise will be a father vnto them, and if they liue in his feare hee will not see them lacke, yet since the law of God and nature require that I should haue a reasonable care of them. Therefore I giue vnto my eldest sonne F. and to the issue male of his bodie lawfully begotten, all my landes, tenements, and hereditaments with their appurtenances in H. and A. &c. or elsewhere within the Realme of England, purchased of A. B. the portion appointed to my saide wife, for and during her life vnto her marriage as aforesaid alwaies except and forepriſed. And for default of such issue, to W. my second sonne, and to the like issue male of his bodie. And for default of such issue to L. my third sonne, and to the like issue male of his bodie. And for default of such issue to the next heires of me the said I. H. for euer. And to the said I. and A. H. I giue and bequeath the other two parts of my goodes, except my leases, and one hundred pounds giuen to W. and L. as hereafter is expressed and appointed. Prouided alwayes, that if my sayd sonnes W. and L. or either of them do fortune to die before they shall accomplish the full age of xxj. yeres, then the suruiuour of them shall enioy such his portion, as is limited and appointed to be paied, that is to say, fiftie pounds to each of them. And if it fortune God to take to his mercie both my said younger sonnes before the accomplishment of the said xxj. yeares aboue recited, that then both their saide portions to be equally diuided amongst my daughters then liuing. And if it fortune my wife to bee with childe at the time of my death, then that childe to haue as much in euery respect as the said I. and A. throughout all the two parts of my said goodes, and all other legacies before or hereafter mentioned, appointed and set out. Prouided alwaies, that if I marrie any of my saide daughters before my death, then that daughter to haue no part of my said two parts of my said goods in any other sort than as to haue her part of such childs portions of my goods, as shall fortune to die, as is hereafter expressed. Prouided that all my Leases shall bee taken as no part of my goodes, but deliuered to my superuisors safely to bee kept to the vse of my next heire during the nonage of my said next heire, putting in good sureties in one thousand Markes to my sayde superuisors and executors, and administrators, or some of them, to answere to such portions and legacies as herein is mentioned, declared, appointed and giuen to the rest of his brethren and sisters out of

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my ſaid leaſes, as alſo truely to obſerue ſuch limitations and eſtates as herein are alſo appoynted or ſet out. And that he ſhall not alien, bargaine, or ſell any of my Leaſes, but that the ſame ſhall after his deceaſe remaine to my next heire male, for the better maintenance of this my houſe at H. and ſo from heire male to heire male. Nor ſhall not make any Leaſes aboue the terme of twentie and one yeares, or one or two liues at the moſt, reſeruing the rents now accuſtomed. And if hee ſhall refuſe ſo to doe, then two whole partes of all my ſaide whole Landes to goe to W. my ſecond ſonne, hee putting in good ſureties as is aforeſaid. And in default thereof then to L. likewiſe as aboue is ſaid. Item, I will that in caſe two partes of my goodes will not anſwere euerie of my daughters the full ſumme of two hundred pounds for their marriages, then I will that there ſhall be taken out of mine owne landes commonly called T. twentie pounds yearely, and out of my leaſe of H. yearely vntill ſuch time as euerie of my ſaid two daughters haue had the iuſt ſumme of &c. for their ſaid filiall portions. And if it ſhall fortune any of my ſayd daughters to die before the age of xix. yeares vnmarried, or married or hauing any iſſue of her bodie lawfully begotten: Then I will that her portion ſo dying ſhall remaine to the other of her brethren and ſiſters ſuruiuing. And if it ſhall fortune, God to take another of my ſaid daughters in manner and forme aboueſayd: That then the ſecond daughters portion ſo dying ſhall bee likewiſe equally diuided betweene my yonger ſonnes and the daughter then ſuruiuing. Prouided alwayes, that if the ſaid W. and L. or any of them doe refuſe to ſtand to this mine appointment: That then they to haue onely their filiall portions of my goods, and no part of my leaſes or other annuities or legacies in this my will giuen or bequeathed vnto them, or any of them, and that then the ſayde legacies or annuities appointed herein to goe wholly to my daughters, till ſuch time as euerie of them haue the ſaid CC.li. paied for euerie their portions. And if my wife beſtow any more on my ſaid ſonnes, let it bee vpon their good behauiour towards her. And yet if it fortune my ſaid wife to die before they or any of them doe accompliſh the age of xxvj. yeares, applying themſelues obedient and likewiſe diligently at their learning, I will then after her deceaſe, they and either of them ſo applying, and being vnder the age of twentie fiue yeares ſhall haue paied fortie ſhillings more yearely out of my moity of B. vntill ſuch time as they and eyther of them doe accompliſh the full age of fortie yeares, if they ſo long doe liue. Item I will in conſideration of my ſaid daughters portion ſo appointed out of my

ſaid

ſaide goodes: That W. H. my ſecond ſonne ſhall haue one yearely annuity of fifteene pounds during the minoritie of mine heire, whereof eight pounds ſix ſhillings and eight pence, to be taken of the profits ariſing of my leaſe in B. and ſix pounds thirteene ſhillings and foure pence out of my moitie of A. And after ſuch time as my ſaid heire ſhall accompliſh his full age, then and from thenceforth the ſaid W. to haue the ſaid fifteene poundes payed yearely out of B. during thirteene yeares then next following, if the ſaid W. ſo long do liue. And if he die before the end of the ſaid thirteene yeares, and leaue iſſue of his bodie lawfully begotten, then that iſſue to haue only ſix poundes thirteene ſhillings foure pence, payed yearely during the yeares to expende of the ſaid thirteene yeares, if that iſſue ſo long doe liue, to be taken of the profits of B aforeſaid, at the feaſt of Pentecoſt and S. Martin by euen portions. And for nonpayment of the ſayd W. and likewiſe his next iſſue, from time to time, to diſtraine vntill the ſame bee fully ſatiſfied and payed with the arrerages if any fortune to bee vnpayed. Item I giue and bequeath to L. H. my third ſonne one yearely annuity of ſix pounds eight ſhillings and foure pence, whereof foure pounds to be paid yerely out of my ſaid leaſe of B. And likewiſe foure markes out of A. during the minoritie of my next heire. And after my ſaid heire doth accompliſh his full age, then the whole ſix pound thirteene ſhillings and foure pence, whereof foure pound to be paid during the terme of thirtie yeares then next following out of my ſaid leaſe of B. if he ſo long do liue, and if he die before thend of the ſaid terme of thirtie yeares and leaue iſſue of his body lawfully begotten, then that iſſue to haue onely fiue markes yerely during the ſaid yeares to expend if the ſaid iſſue ſo long liue. and to be paied at the feaſts aboueſaid, with like diſtres to be taken for nonpaiment therof. And if it fortune any of them to die before thend of the ſaid terme of rrr. yeares, and leaue no iſſue of his bodie liuing, and the other brother hauing iſſue, then that brother ſuruiuing, and the ſaid iſſue ſo liuing to haue yearely during the ſaid yeares to expend onely fiue pounds thirteen ſhillings and foure pence, and no more out of B. aforeſaid. And if it pleaſe God to take to his mercie F. mine eldeſt ſonne without iſſue male of his bodie lawfully begotten, ſo as thereby my lands do deſcend vnto ỳ ſaid W. his brother, that then this legacie or annuity ſo bequeathed & giuen vnto the ſaid W. and his iſſue, to ceaſe, and to be paid to L. and his next iſſue in maner and form as is appointed to the ſaid W. and his iſſue, and the ſayd legacie or annuitie ſo firſt giuen vnto the ſayd L. and his iſſue to bee voide. And if it ſhall fortune my ſaid ſonne F to die and leaue iſſue female of his bodie lawfully begotten, that then

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the ſayde W. or L. vnto whom my ſaide lands ſhall come, or the next heire male of them ſhall pay vnto that iſſue female of the bodie of the ſaid F. fiue hundred Markes towards the preferment of that iſſue female, within fiue yeares next after the ſayde iſſue female ſhall accompliſh the full age of eighteene yeares, that is to ſay, one hundred markes yearely, if ſhee doe liue ſo long, or to the iſſue of her body lawfully begotten, if that iſſue ſo long doe liue. And for nonpayment thereof in manner and forme aboueſaid, that then that iſſue female, and the iſſue of that iſſue female, lawfully begotten, to haue and to hold vnto her and the heires of the bodie of the ſaid iſſue female lawfully begotten, all my landes within the Lordſhip of D. purchaſed of &c. to the ſayde iſſue female, and the iſſue thereof lawfully begotten for euer. And for default of ſuch iſſue to the next heire male, and their heires for euer. Prouided alwayes, that my wife ſhall haue that occupation of the landes and tenements contained in my ſaide leaſes to her owne proper vſe and education of my Children, ſo long as ſhall pleaſe her, and keeping her ſelfe vnmarried, and in my name, paying after the rate of fiue poundes leſſe in the whole yearely rent than another will doe for the ſame, and not otherwiſe. Prouided alſo, that if it ſhall fortune God to take all mine heires, before they ſhall haue iſſue male lawfully begotten, ſo as there bee no iſſue male proceeding of them, or any of them, ſo as thereby my lands doe deſcend to the iſſue female: then that iſſue female ſhall within two yeares next enſuing ſuch certaine knowledge had, and vpon reaſonable demaunde made, enter into bond to pay or cauſe truely to be contented and paied to the next iſſue male of my brother R.H. two hundred markes of lawfull money of England. And for default of ſuch iſſue male of my ſaid brother, then to pay vnto his iſſue female an hundred markes. And to the next iſſue females of the aboueſayd W.L. I.I. and A. fiue hundred markes, viz. to euerie one of them 100. markes, if the ſaid iſſues do liue vntill they be of the age of nineteene yeres, and if any of them die before that time, then the ſuruiuours to enioy the portions of them ſo dying. And for nonpayment of the ſaid ſeuen or fiue hundred markes as aboueſayd: Then the iſſue male of my ſayde brother, and likewiſe the iſſue females of my ſaid brother: And alſo the iſſue females of the ſayde W.L. I.I. and A. to enter into my moitie of my manor of A. and the ſame to hold, occupie, and to enioy to them and their heires for euer. This ſeuen or fiue hundred markes, as aboue is mentioned, I giue as a token of continuall remembrance of the hartie zeale, loue, and affection I beare to the aduancement of the iſſue

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generall of mee and my ſaid childꝛen, as alſo the ſirname and whole blond of mee the ſaid I. Y. and the iſſue of my ſaid bꝛother. Item I giue and bequeath vnto my ſaid louing bꝛother R. Y. if he be liuing at the day of my death, my beſt gowne &c. Item I giue vnto euerie of my ſeruants in my houſe at the day of my death &c. if they vſe themſelues diligently and honeſtly toward my wife during one yeare then following &c. Item I giue to W. W. my godſonne one colt of thꝛee oꝛ foure yeares olde, to be deliuered vnto him when he ſhall accompliſh the age of one and twentie yeares. And to A. G. if ſhe bee liuing at the day of my death, one ewe. And to Y. B. an olde Angell. Prouided alwayes, that if my wife doe make any challenge oꝛ clayme to any part of the thirdes, either of my Landes oꝛ Goodes, oꝛ to any part thereof by foꝛce of being executrix, other than befoꝛe is mentioned, and ſet out foꝛ her, as in ſuch like caſes manie vnkind women haue done contrarie to the good meaning, will, and truſt of their huſbands in pꝛeiudice of their naturall childꝛen, which my ſayd wife hath faithfully pꝛomiſed to mee ſhe will not doe, the rather foꝛ that I haue done nothing herein but by her full conſent and agreement in euerie behalfe, that then ſhe to loſe the benefit of all ſuch legacies, and all other commodities appoynted and giuen hereby to her, and the ſame to remayne amongſt all my childꝛen. Now as touching the pooꝛe, inſomuch, as theſe woꝛldly goods were giuen to mee, that I ſhould diſtribute part thereof to their neceſſitie, viz. the pooꝛe, lame, blind, and comfoꝛtleſſe: And albeit I haue bẽn quick in woꝛds, to ſuch as were ſturdie vagabonds, and idle loiterers well able to get their liuing by their labour, yet I haue not altogether bin vnmindfull of them, but diſtributed part of ſuch as God ſent mee, hauing alwaies thought it better in thoſe caules to woꝛke while I liued in this woꝛld, than haue them done after my departure by my executoꝛs. Yet notwithſtanding I will, that there bee diſtributed and giuen amongſt the pooꝛe within the pariſhes of A. vpon the S. ten pound, which I will haue beſtowed in maner and foꝛme following, that is to ſay, euery ſunday during the ſpace of two whole yeares next after my death xiij. penie woꝛth of bꝛead, which I will haue beſtowed vpon xiij. pooꝛe folkes, viz. the halt, the lame, the blind, the ſicke, and ſuch other as be moſt comfoꝛtleſſe, and not able to labour. I thinke it alſo a dæde of charitie, and commendable woꝛke befoꝛe God to repaire the high waies, that the people may trauell ſafely without daunger, I theꝛefoꝛe giue to the amending of the high waies about S. B. and S. B. at Y. twentie ſhillings to bee imployed by the diſcretion of my louing wife, whom I

doe

doe ordaine and make my full executrix. And if ſhe refuſe ſo to be, then I ordaine and make W. L. I. and A. my children to be my executors, and my very louing friends and cosins A. B. &c. my ſupernisors, charging them, and euery of them in the name of God, as they will anſwer before the high Iudge Chriſt, at the dreadfull day of doome, that they and euerie of them doe ſee this my laſt Will diligently and faithfully fulfilled in euery behalfe without reſpect of any perſon or perſons whatſoeuer. Prouided alwaies, that if any perſon or perſons which ſhall inioy any benefit by force of this my laſt Will, other then their filial portion, will not be ruled, aſwell in their education and mariage, as in all other lawfull things concerning this my laſt will by my ſaid executrix: And ſhe being dead, by my ſaid ſupernisors, or the moſt part of them: And they being dead, by foure of their vncles, or other their nereſt friends and alies indifferently elected, the ſame being knowne to be wiſe, indifferent, and of good diſcretion: that then they, and euery of them ſo refuſing, vtterly to looſe all ſuch benefit as they, or any of them might haue by force of this my laſt will and teſtament, and the ſame portion or benefit ſo giuen them to remaine to ſuch, and as many as will be ordered and ruled, as is before mentioned and declared. Item I bequeath vnto euery of my ſaid Supernisors for their paines taking, one gold ring of halfe an ounce, with theſe words grauen ſeale-wiſe vpon the top of euery the ſaid rings, Eſto fidus. And alſo I will that their reaſonable coſts and charges be dreely anſwered to euery one of them of my whole goods from time to time, with recompence of their trauell. Prouided alwaies, that if it ſhall fortune any queſtion, ambiguitie, or doubt to ariſe amongſt my children or any others claiming any benefit by force of this my laſt will, that the onely expoſition, determination, and iudgement thereof ſhall be determined and iudged from time to time to the beſt of my mind, and according vnto the literall ſence and meaning of this my laſt will in euery behalfe, and by the expoſition and diſcretion of my ſaid ſupernisors, and others, as aboue is ſaid and expreſſed, and not otherwiſe. Prouided alwaies, and my full minde and determinate pleaſure is, that in caſe my nert heire male, or any ỹ heires males of his bodie lawfully begotten, and likewiſe my ſonnes W. and L. or the iſſue male of any of them to whom my ſaid lands ſhall deſcend and come, doe ſeeke any meanes or aduantage by law or other fraud to conuey, ſell, alien, or otherwiſe to make any eſtate whatſoeuer, contrary to the true meaning of this my laſt will and Teſtament, to defeate, or diſinherite any of his or their other brethren, and the heires males of their bodies lawfully begotten, or any other before recited, being their

brethren

brethren or cosins, be they either males or females, contrary to such limitation, as in this my said wil is specified and contained, and do refuse to enter into bond with good sureties, in such sort as my said sonne F. is to doe, then I will that all such estates as bee limited to such persons so doing, to be vtterly void and of none effect, and ỹ the nert heirs males to him or them shall enter into, and quietly enioy all my said lands and tenements whatsoeuer, in maner and forme before specified, and not otherwise, any act or acts done or to be done by the said nert heire, or the heires of his bodie in any wise to the contrary notwithstanding. And the like order to be in euery point and behalfe truely obserued by my second sonne or the heires of his bodie. Item, I giue to my Lord B.L. high Treasorer of England, if he be liuing at the day of my death, and the Queenes Maiestie iustly intituled to the Wardshippe and mariage of my nert heire, twenty pounds, in consideration that my wife may after my decease haue the Wardship of my said heire, and the lands descending to the Queenes Maiestie in lease, during his minoritie, his Lordship taking what shall best like him for her highnesse, And I doe hereby reuoke and annull all former Willes. In witnesse whereof I haue hereunto subscribed my name, and my seale vnto this my present last Wil and testament, the day and yeare first aboue written, in the presence of A.B.C.D.F.L. and diuers others.

Another forme of a Will.

Sect. 643

IN the name of God Amen. The second day of Ianuarie 1592. I. R.L. of &c. sicke of bodie but of good and perfect memory (God be praised) doe make and ordaine this my last will and testament in maner and forme following, that is to say: First I commend my soule into the hands of God my maker, hoping assuredly through the only merites of Iesus Christ my Sauiour, to be made partaker of life euerlasting. And I commend my bodie to the earth wherof it is made. Item whereas I by deed indented, bearing date &c. haue infeoffed T. W. & W. W. of diuers lands and tenements in M. and B. to the vse in my last Will and Testament to be limitted and appointed: My will therefore is, that they the said T. and W. shall take the rents, issues, and profits of the same lands and tenements yearely, by the space of twenty yeares now nert ensuing, and therewith pay such debts as I owe, and such legacies as in this my last Will shalbe contained, so farre forth as the profits thereof will extend. Also I giue and bequeath to E. my wife forty pounds

pounds, ouer and beſides ſuch part of my goods as ſhe (by the Law) ought to haue, if no legacie were vnto her giuen. Item &c. to T.L. my ſonne and heire apparant all glaſſe and ſæling, in or about my houſe in M. aforeſaid. Item, I will that the reſidue of my goods, and the ſurpluſage of the profits of the ſaid lands ſo conueyed vnto the ſaid T.W. and W.W. which ſhall remaine (my debts, legacies, funerall expences and my wines third part paied and deducted) ſhall equally be parted and diuided amongſt W.R.R. and G. my children, and ſuch child or children as my wife hath now conceiued (if ſhe haue conceaued any) and the ſaid portions to be paied vnto them when they ſhall accompliſh the age of one and twentie yeares. And if any of my ſaid children doe die before he or they haue receiued their portion, not hauing any child then liuing, then I will ſo much of his or their portion ſo dying as ſhall happen to bee vnpaid at the time of his or their death, ſhalbe paid vnto the reſt ſuruiuing. Prouided alwaies, that if either of my ſaid daughters be maried after ſhe ſhalbe of the age of xvj. yeres, that then the portion of her ſo being married, ſhall be paid vnto her within one halfe yere after the ſaid mariage. And I will, that the ſaid T.W. and W.W. ſhall haue the cuſtodia of the ſaid W. and R. my ſonnes, and of their portions, and of the ſaid T.L. my ſonne and heire apparant, and of all his lands and goods vntill he be of full age of one & twentie yeres and they to bee brought vp and ordered at their diſcretion, they hauing reaſonable allowance for the keeping of them. And I will that my wife ſhall haue the cuſtody of my ſaid daughters, and their ſaid portions, if ſhe firſt find ſuch ſufficient ſecuritie to bee ſo bound in the double value of their ſaid portions, vnto the ſaid T.W. and W.W. as they ſhall accept and like of for the payment of their ſaid portions accordingly, and if ſhe doe find no ſuch ſureties, that thē ſhe to haue for the keeping of either of them, fortie ſhillings by yeare, and the ſaid S.W. and W.W. to haue the cuſtodie of their ſaid portions accordingly. And I make the ſayd T.W. and W.W. executors of this my laſt will and teſtament: and I make R.R. and R.W. ſupriſors thereof. In witneſſe whereof &c.

A perfect Teſtament and laſt Will.

VNiuerſis & ſingulis Chriſti fidelibus ad quos præſentes literæ Teſtimoniales peruenerint Iohan. permiſſione diuina Cant. Archiepiſc. totius Angliæ primas & Metropolitanus Salutem in domino ſempiternam & fidem indubiam præſentibus adhiberi, Ad vniuerſitatis veſtræ noticiam Sect. 644.

noticiam deducimus & deduci (volumus p præſentes quod ſeruato regiſtro curię ꝓrogatiuæ Cant̃ in Archiuis eiuſdem bene & fideliter cuſtoditis comperimus & inuenimus euidenter inter alia in eodem, quod decimo die &c. Anno &c. coram H. I. Surrogato venerabilis viri W. D. legum doctoris curię prerogatiuę Cant̃ magiſtri cuſtodis ſiue commiſſarij legit̃ deputat̃ probatum approbatũ & inſinuarum fuit. Teſtamentum P. R. nuper dum dixit de S. infra parochiam de W. in comit̃ D. Coueñ & Lich. Dioc' noſtręque Cant̃ prouinciæ def. habentis dum vixit & mortis ſuæ tẽpore bona mobilia vel immobilia ſpiritualia vel temporalia iura ſiue credita quecunq; vel qualiacunque in diuerſ. Dioceſ. ſiue iuriſdictionibus peculiaribus, commiſſaq; fuit adminiſtratio omnium & ſingulorum bonorum iurium & creditorum dicti def. & eius teſtamentũ qualitercunq; concern̄ I. R. filio & executori in huiuſmodi teſtameto nominato de bene & fideliter adminiſtrand̃ eandem. Ac de pleno & fideli Inuentario omnium & ſingulorum bonorum iurium & creditorum huiuſmodi conficiend̃. Et illud in curiam prerogatiuæ Cant̃ exhibend̃. Necnon de plano & vero compoto calculo ſiue ratiocinio inde reddend̃. Ad ſancta dei Euangelia in perſona P. I. notarij publici, procuratoris ſui in hac parte legitimè conſtituti Iurat̃. Cuius quidem teſtamenti verus tenor in hęc verba ſequitur.

In the name of God, Amen. The viij. day of &c. And in the yeare &c. I F. R. doe make and deliuer this my laſt will and teſtament in writing, reuoking thereby both in deed and in law all other former wils and teſtaments. Firſt, I commend my Soule into the hands of Almightie God, &c. Touching my Lands, tenements, and hereditaments, where I haue heretofore by my ſeuerall conueiances for the aduancement of my yonger ſonnes Y. G. R. and F. the yonger, aſſured my manors of Y. B. and Y. in the countie of Y. And all my lands, tenements, and hereditaments in Y. B. D. Y. and B. in the ſaid countie of Y. to ſuch ſeuerall vſes and intents, as in and by the ſaid ſeuerall conueiances are expreſſed: My will and meaning is, that the ſame aſſurances ſhall ſtand and be effectuall to the benefite of my ſaid Children, according to the true intent and meaning ſet downe in the ſame writings, and I do by this my laſt will ratifie and confirme, and further do will and deuiſe all the ſaid manners, lands, tenements, and hereditaments to my ſaid Sonnes ſeuerally, and for ſuch, and the ſame eſtates to them particularly and ſingularly as be mentioned and limited by the ſaid conueyances: and where in the aſſurance & mortgage concluded betweene me and T. N. Gent. I haue put my faithfull ſeruants T. B. & R. C. in truſt, my will and requeſt is to them, that they do performe & accompliſh the ſame

ſame truſt, and doe make ouer ſuch eſtate and intereſt as they haue by the ſaid conueiance to my ſonne G.R. and to his heires males of his bodie, according to my true intent and meaning, whereunto I haue made them priuie: for my full and plaine meaning is, that ſeeing the ſaid G. is my firſt and eldeſt ſonne by my late wife M. that therefore he ſhalbe remembred and rewarded as a ſecondary eldeſt ſonne, and therfore ſhall haue to him, and to the heires male of his bodie, my ſaid Manors of H. and B. and all my landes, tenements, and hereditaments in H. B. and D. Notwithſtanding my meaning is, and ſo I doe hereby will and deuiſe, that his two younger brethren R. and F. may haue and enioy the ſame ſeuerally during their liues either of them fortie pound of &c. by the yeare. And that hee the ſaide G. doe ſee the ſame paied according to my ſaid conueyance. And I doe further giue vnto my ſaid ſonne G. all thoſe Statutes, Recogniſances, and Bonds, that the ſaid M. M. and ſir H. R. haue made and knowledged to mee, or to any to my vſe for the performance of thoſe bargaines that be paſt betweene vs, and I will that the ſame bonds may bee ſued in the name of my Executors, but to the benefite of my ſaid ſonne G. and of his heires males. And if the ſayd M. M. doe pay the ſaid ſumme of &c. agreed vpon, and thereby doe redeeme the ſaid landes and inheritance in B. Then I doe giue and deuiſe that my ſaid ſonne G.R. ſhall haue the ſaid ſumme of &c. to his vſe and benefit. Alſo I doe giue vnto my ſayde ſonne M. R. all my goodes and chattels, ſtocke and houſhold-ſtuffe whatſoeuer that ſhall bee and remaine at H. aforeſaid at the time of my deceaſe. And I doe further giue vnto the ſaid M. the one halfe and moitie of all the Leade that ſhall be owing mee at the time of my deceaſe. And alſo the halfe benefit and forfeiture of all ſuch bondes as any perſon or perſons ſhall ſtand bound to mee in for the deliuerie of any lead or lead ore. And where I. of verie fatherly loue, and the rather thereby to allure him to his booke and ſtudie, did allure to my ſonne F. the elder by my firſt wife, all that my manor of B. with the appurtenances, and my parke and new builded houſe there, ſince which time I haue been vrged by the great vntowardnes of my ſaid ſonne (I will not vſe any more bitter wordes) to reuoke and make voide the ſaid aſſurance, and now haue giuen the ſaid manor of B. to I. R. my eldeſt ſonne, as by the writing thereof appeareth, in which reuocation I doe proteſt before God I doe not know any manner of defect or ſcruple whatſoeuer, yet waying that Durum telum eſt neceſſitas, and that Homo peruerſus ſuffitat lites, and laſtly, that the deſire of ſuch a houſe and inhe-

inheritance ioyned with my imagined title, will neither regard fatherly admonition, nor brotherly affection: And to the intent alſo the ſaid F. my ſonne may haue ſomething to maintaine himſelfe, and apply his booke withall, if it pleaſe God that he may looke backe and call himſelfe to an ordinarie courſe of life, I doe therefore for theſe reſpectes giue and deuiſe to my ſaide ſonne F. the elder, thoſe two rent charges of twentie pound a peece, amounting to the whole to 40. li. per annum, which I haue going forth ſeuerally of the landes and inheritance of T.L. Eſquire, and W.R. Eſ. To haue and to hold to him for and during his naturall life. And my will is further, that if the ſaid F. my ſonne doe giue himſelfe to the ſtudie of the common lawes of this realm, whereunto I know hee hath an aptnes by nature, although through euil behauior and worſe companie he hath ſhewed himſelfe vnapt heretofore, and doe become either Reader in Chauncerie or in Court being called thereunto orderly, and performing the ſame with good liking and opinion of the houſe, e in proofe thereof ſhall haue it ſo ſignified vnder the handes and ſeales of foure Readers of Grayes Inne for the time being: Then I will and deuiſe the ſaid two rent charges of xx. li. to the ſaid F.R. and to his heires for euer. And I do then alſo and not before deuiſe vnto him the ſtatutes, recogniſances and bonds, which I haue ſeuerally of the ſaid M.L. and M.R. for the paiment and ſeuerall aſſurance of the ſaid two rent charges or annuall paiment, and the benefite and forfeiture which ſhall grow or bee by reaſon of the not paying thereof, or by any other default committed by them or either of them, their heires or aſſignes. Prouided alwaies that my ſaid ſonne F. doe within one halfe yere nert after my death, if hee ſhall not make the ſame in my life time, releaſe vnto my ſaid ſonne I.R. and to his heires for euer, all his right and title that he hath or may claime to haue in the ſaid manor of B. and in or to the ſaid lands, tenements, and hereditaments of the parke and new builded houſe in B. aforeſaid, or into any the hamlets or villages adioyning thereunto, with warrantie to bee therein contained againſt him and his heirs for euer: And vpon condition alſo that he the ſaid F. hath not charged nor incumbred the ſaid manor and premiſſes in B. aforeſaid or any part thereof, with anie rent charge or leaſe whatſoeuer before the ſaid releaſe. Where about three yeares paſt, I did in the name and behalfe of my daughter R. and for her better preferment, conclude and agree with M. F. now deceaſed, for the payment of &c. to my ſaid daughter in the ſpace of &c. as by the writings thereof appeare, of which ſaid payment the executrix

cutrix of the ſaid M. F. hath well and truely paied vnto my handes, to the vſe of my ſaid Daughter the ſumme of &c. due at the Feaſt of &c. laſt paſt, my will is, that if the ſayd ſumme of &c. bee not by me anſwered to my ſaid Daughter in my life time: That then the ſame ſhall preſently bee payed vnto her by my Executor after my deceaſe. And my will is further, that if my ſaid Daughter R. cannot lawfully by order of Lawe recouer and obtaine the ſaid ſumme of &c. reſidue of the intire ſumme of &c. that then ſhe ſhall be paied and ſatisfied of the ſaid ſumme of &c. or of ſo much thereof as ſhee cannot recouer of the landes or goodes of the ſaid Maſter F. or at the hands of his executrix or adminiſtrators by my executor, the ſame paiment to bee made within &c. after my death. And moreouer, I giue vnto my ſayde Daughter an hundred Markes of &c. to make vp her full and whole portion to the ſumme of &c. And alſo, I doe giue vnto her the Chaine of gold that ſhe commonly weareth, and all her iewels of gold, together with her late mothers bracelets of gold, notwithſtanding my meaning is, that if my executor doe pay vnto her the ſaid ſumme of &c. or ſo much thereof as ſhe ſhall or may not recouer or obtaine as is aforeſaid, that then my ſaid Daughter, doe aſſigne or ſet ouer the bonds and aſſurance made vnto her by the ſayde Maſter F. vnto the ſayde Executor or his Aſſignes, to the end that hee may then take the aduantage and benefite thereof: for like as mine intent is, that my ſaid Daughter ſhould bee fully ſatisfied of the ſaid fiue hundred pound, either by the Heires and Executrix of the ſaid F. or elſe in default thereof by mine owne Executor, euen ſo my meaning is, not that my ſayd be Daughter be double paied the ſaid ſumme: I do giue vnto my Daughter E. ouer and beſides the ſumme of &c. which to her is aſſured by my ſelfe and my ſonne I. R. by conueyance in my life time, the ſumme of &c. when ſhee commeth to the age of &c. or bee married, together with the Iewels of Gold, and little Chaine of Gold which was her Mothers. And where I haue concluded with R. T. Eſquire, for a Marriage (by the grace of God) to be had betweene his ſonne R. T. and my daughter E. my will is, that if the ſaid marriage doe not take effect, that then my ſaid daughter E. ſhall take the benefit of all ſuch Bondes and Recogniſances as the ſayd Maſter T. hath made or acknowledged to mee: And that my Executor doe not onely ſuffer his name to bee vſed for recoueries thereof to the vſe of my ſaid Daughter, but that hee alſo and his aſſignes doe to his and their vttermoſt indeauour aide and aſſiſt my ſaide Daughter for the obtayning of the benefite and forfeiture of the ſaid Bondes and Re-

cogniſances to her owne vſe. Prouided alwayes, that my ſayd daughter E. nor any for her, or in her name, do challenge or claime any title or intereſt, in, or to the ſumme of foure hundred pound which I did conuey vnto her, to bee payed of certaine rent charges, which I appointed for that purpoſe before the ſayde concluſion of Marriage: for my meaning is, that ſeeing I haue well and truely payd vnto the ſaid T. the ſumme of &c. in conſideration of the ſayd Marriage to be had, that the benefit that ſhall come to my ſaid daughter by the ſaid Marriage, or by the Bondes or Couenaunts thereupon concluded ſhall ſerue her for her portion and aduancement, and that ſhe ſhall not take or challenge any other ſumme or portion of my goodes or gift whatſoeuer. Where I together with my eldeſt ſonne I. R. haue prouided that my foure youngeſt daughters, to wit A. C. I. and B. bee euerie one of them paied to the ſumme of &c. for their aduancement in mariage, at ſuch daies and times, as by the writings thereof are expreſſed: my meaning is, and ſo I doe will and bequeath, that my ſaid daughters bee iuſtly and duely ſatiſfied their ſaid portions, in ſuch manner and forme, as by the ſaide writings is appointed. And my Will is further, that my ſaid youngeſt daughters ſhall either of them be brought vp at my houſes at W. or B. at the coſtes of my eldeſt ſonne, if they bee diſpoſed to remaine there vntill ſuch time as they bee ſeuerallie well and truely payed and anſwered their ſaid portions. I will that within one whole yeare next after my death there bee prouided by my Executour one chaine of Gold of the value of &c. which chaine I doe giue to my daughter B. And I. do heartily require and charge her, that ſhee cauſe the ſame after her deceaſe to bee beſtowed vpon her ſonne and mine N. B. I doe will and deuiſe the yearely rent charge of &c. which I haue to me and mine heires aſſured forth of the landes and inheritance of A. E. gentleman, and the yearely ſumme of &c. to bee taken forth of the Manour of E. in the whole per annum twentie pound to bee imployed for euer for the maintenance of the new erected Grammer Schoole at S. the finding of two Scholerſhips in ſaint Johns in Cambridge, and the reliefe of the poore, hurt, and maimed Souldiours, which ſhall bee ſent to the Warres out of the Townes hips of S. B. and E. in the Countie of D. that is, eight pound by the yeare towardes the ſame Schoole, other eight pound per annum for the ſaid Scholler ſhips, and foure pound yearely for the reliefe and ſuccour of the ſaid Souldiors. And now vpon great good hope and fatherly affiance that I haue, and truſt to find in my eldeſt ſonne I. R. towardes his Brethren and Siſters, I doe make

and

and ordaine him my ſole and onely executor of this my laſt Will and Teſtament: and I ſay vnto him, and by him to all the reſidue of my children, as Salomon ſaid to his ſonne, Fili mi time Deum & Regem: and in any wiſe beware that you liue not aboue your liuing, and eſpecially in the beginning, for that will bring you to want and neceſſitie both in the middeſt and the ending.

In quorum omnium & ſingulorum p̃miſſor̃ fidem & teſtimonium has literas noſtras teſtimoniales fieri fecimus, ac eas ſigillo Curię prę rogatiuę noſtrę Cant̃ appenc' communiri & corroborari, dat̃ quoad ſcrutinium & ſigillationem preſentium 28. die menſis Aprilis, anno domini 1591. Et noſtræ tranſ. anno 8.

A good Preſident for a Teſtament.

IN the name of God, Amen. The 21. day of the moneth of M. in the yeare of our Lord God &c. I R. M. Mercer and Citizen of L. being of whole mind, &c. as before. Firſt, I commend my ſoule vnto almightie God my maker and redéemer, and my bodie to be buried in the pariſh Church or Churchyard of Saint N. in the Citie of London. Item, I giue toward the reparation of the ſame Church xiij. s. iiij. d. Item, I will, that all ſuch debts and duties as I owe of right or of conſcience to any perſon or perſons, be well and truely contented and paied by mine executors hereafter named, or els ordaine ſo for to be paid without any delay or contradiction. And after my debts paied, and my funerall expences performed, I will, that all my goods, chattels, and debts ſhall be diuided into thrée equall parts, whereof I will, that A. my wife ſhall haue one equall part to her owne proper vſe, in the name of her purpartie and reaſonable part to her of all my ſaid goods, chattels, and debts, after the laudable cuſtome of the Citie of London belonging. And the ſecond equall part of all my ſaid goods, chattels, and debts whatſoeuer, I bequeath to E. and M. my daughters, and to the child now being in the womb of my ſaid wife, equally to be diuided amongſt them, and to be deliuered vnto them when they ſhall accompliſh and come to their lawfull ages of xxj. yeares, or elſe to be married &c. And if it fortune any of my ſaid children to deceaſe before they accompliſh their ſaid ages, and before that time bée not married: That then I bequeath her part, or his part of them ſo deceaſing, to the other of them then ſuruiuing, to be deliuered vnto them when they ſhall accompliſh their ſaid ages of xxj. yeares, or els be married. And if it fortune all my ſaid children to deceaſe (as God it defend) before they ac- Sect. 645.

compliſh their ſaid ages, and before that time be not married: Then I bequeath as well all and ſingular the ſayd part or portion of my ſayd children in my foreſaid goods, cattels, and debts, as alſo my legacies to them hereafter bequeathed, to and amongſt the children lawfully begotten of the bodie of R. M. of S. in the Countie of R. to be payed and deliuered vnto them at like ages, and in like manner as is appointed vnto mine owne children, and euery child likewiſe to be others heire thereof. And if it ſhall fortune all the children of the ſaid R. M. of his body lawfully begotten to deceaſe (which God defend) before they come to their lawfull ages, and before that time be not married: Then I will that all their ſaid parts and portions of my ſaid goods, cattels, and debts, ſhall wholly be imployed and beſtowed in amending and repayring of noyous high wayes nigh about the Citie of London, and to the Marriage of poore Maidens, by the diſcretion of mine Executors and Ouerſeers, if they be then liuing, or elſe by the diſcretion of the Lord Maior and his brethren the Aldermen of the Citie of London. And the third equall part of all my ſaid goods, cattels, and debts, I reſerue vnto my Executors, therewith to performe my Legacies and bequeſts hereafter ſpecified, that is to wit &c. The reſidue of all my goods, cattels, and debts, after my debts be payed, my funerall expences performed, and theſe my legacies contained in this my preſent Teſtament fulfilled, I wholly giue and bequeath to my ſaid children, equally to be deuided amongſt them, and to be deliuered to them according as I haue aboue willed and declared. Prouided alwaies, and it is my very will, mind, and intent, that ſhortly after my deceaſe, all and ſingular my wares, ſtuffe of houſhold, plate, and all other my goods whatſoeuer they bee, ſhall be priſed by two indifferent perſons, to bee named and ſworn by the Lord Maior of L. and his brethren for the time beeing, and all and ſingular the portions thereof appertaining to my ſaid children, as well my ſecond part, as my ſaid legacie ſo to them made and bequeathed of my part immediatly after the apprizing, to be ordered according to the cuſtome of the Orphanage of the Citie of London by the Lord Maior & his brethren. Item I will that the yong men beeing free of the fellowſhip of Mercers of L. ſhall haue the occupying of all my ſaid childrens portions and legacies during their nonages, they putting ſufficient Sureties therefore, according to the ſaid cuſtome of the Citie of L. And I will, and my mind and intent is, that Maiſter H. L. and Maiſter R. M. or their aſſignes, ſhall haue the keeping, gouernance, and bringing vp of my ſaid children during their nonages. And of this my preſent Teſtament I make and ordaine

the

the ſaid A. my wife, and the ſaid Y. Y. and R. mine executors. And I bequeath to euery of them for their labor in that behalfe twenty pound, and a black Gowne. And of the execution of the ſame, I make and ordaine W. P. ouerſeer. And I vtterly reuoke and annull euery other former Teſtaments, Wills, legacies, bequeaſts, executors, and ouerſeers, by mée in any wiſe before this time named, willed, and bequeathed, Theſe béeing witneſſes.

Memorandum, that Teſtaments Nuncupatiue are made by word only before witneſſes, in forme aforeſaid.

A clauſe of a Will.

ANd if it ſhall happen at any time hereafter any ambiguity, doubt, or queſtion, to growe or ariſe by reaſon of the imperfection or defect, of, or in any the words, and clauſes and ſentences in this my preſent laſt Will and Teſtament, or my true intent and meaning thereof: That then the further and better explanation, interpretation, and conſtruction of the ſaid doubt and ambiguitie, I will that my ſaid Executors ſhall expound, explane, and interpret, according to their wiſdomes and good diſcretions. Sect. 646.

A proniſo to bind Lands by Will.

PRouided alwaies, and my further will is, that if either of my ſaid ſonnes, or the heires of either of them, do attempt or go about to doe any act or actes, thing or things, to alien and diſcontinue the ſaid lands, tenements, and hereditaments, or any part or parcell thereof, to them either, or any of them, by me giuen and bequeathed, in manner and forme aforeſaid, either by feoffement, fine, recouerie, or otherwiſe by any waies or meanes, ſo that the ſame lands &c. and euery part and parcell thereof, cannot, or may not diſcend, come, remaine, reuert, and be in maner and forme before in this my Will limited, declared, and appointed, and according to the true intent and meaning of this my gift, will, and laſt teſtament: That then immediatly and from thenceforth the eſtate, intereſt, and title of him or them ſo attempting, doing, or going about any ſuch act or actes, thing or things, as is aforeſaid, of, and in the ſaid lands &c. ſhall ceaſe and be clérely determined & extinguiſhed, and that then immediatly and from thenceforth the ſame ſhall remaine, and be to ſuch perſon and perſons, as by this my will is limited and appointed, in ſuch maner and forme, and vpon the like condition or conditions, as though he or they ſo attempting or going about any ſuch act or actes, thing or things, in forme aforeſaid, were dead indéed: any thing before in this my preſent laſt will mentioned Sect. 647. Out of ble.

or declared to the contrarie notwithſtanding, leaſes for xxj. yeres at the moſt, and vnder, or for one, two, or three liues, whereupon the old, auncient, and accuſtomed yearely rent, or the value thereof, or more ſhall be reſerued and aſſured to ſuch perſon or perſons, as ſhall or ought to haue had the ſame eſtate or eſtates. Alſo the eſtate or eſtates that hereafter ſhall fortune to be made, to, or for the Iointure or Iointures of ſuch as ſhall fortune to be the wife or wiues of the ſaid R. and G. or of the heires of their two bodies, or of the heires of the bodie of either of them lawfully begotten, for terme of the life or liues of ſuch wife or wiues onely excepted.

A Codicill or ſcedule before the making of a Teſtament.

Sect. 648. I A. B. by the grace of God ſound in minde and bodie, praiſed be almightie God, in theſe codicils or ſcedules, doe diſpoſe my laſt will as touching my goods, as followeth: that is to ſay, Firſt, I giue to E. my wife in recompence of her thirds or reaſonable portion of my good, one hundreth pounds, and two of my beſt Geldings, and two of my beſt Beddes fully furniſhed. Item, I giue to euery one of my Sonnes ten pounds, and to euery one of my Daughters twentie pounds &c. As legacies be bequeathed in laſt Willes.) And my will is that this Codicill or ſcedule be, and be adiudged and taken to be parrell of my laſt will, and to be of force by the right of a Codicill, or by any other right, in the beſt manner that may be. And I heartily require mine Executors, if God giue me leaue to make a Teſtament, and in this default thereof, mine Adminiſtrators, that they do cauſe all things in this ſcedule or Codicill contained, to be faithfully performed, according to my true meaning, as if the ſame were ſo declared and ſet downe in my laſt Will and Teſtament. In witneſſe whereof to this preſent Codicill I haue ſubſcribed my name.

A Codicil made after a Teſtament or laſt Will.

Sect. 649. BE it knowne, that whereas I A. B. made my laſt Will and Teſtament in writing (if it be written, and if it be not, nuncupatiue, bearing date &c. That now, foraſmuch as I haue changed my mind, touching certaine things in the ſame laſt Will contained. And for and concerning all other things in the ſaid laſt Will mentioned, (other then ſuch as I ſhall not hereby otherwiſe diſpoſe of) I doe by this preſent Codicill confirme and ratifie the ſayd laſt Will. And

firſt

first whereas by my said last Will I doe giue vnto M. D. xx. pounds, my will now is, that he shall haue but onely tenne pounds thereof. And whereas I deuised to G. S. all my estate in one farme called W. in D. &c. which I hold by lease of H. B. for one and twentie yeares, my will is, that he haue it only during tenne of the first yeres of the said terme, and that Elizabeth my daughter shall haue the residue of the said terme of xxj. yeares, towards her preferment in mattage &c. And so of any other Legacie, adding, diminishing, or cleane destroying the same, or giuing new Legacies, with this clause in the end,) And my Will is &c. *vt supra in Codicillo ante Testamentum.*

And it is to be noted, that a subsequent Testament must make mention of a precedent Codicil. And subsequent Codicils must make mention of Testaments and of Codicils precedent, if any be. For one person may make but onely one last Will, but as many Codicils as he will. And Codicils may be made without any Testament, either precedent or subsequent.

Letters of Administration.

R. P. Legum Doctor Scaccarij Reuerendissimi in Christo patris & dñi dñi E. permissione diuina Ebor. Archiepiscopi Angliæ primat & metropolitan Commissarius, dilect' nobis in Christo D. L. de S. Ebor dioc' vid' salutem in domino. Administrationem omnium & singulorum bonorum iurium & creditorũ quæ fuerunt I. L. nuper de S. prędicta mariti sui ab intestato (vt asseritur) defuncti tempore vitę & mortis suæ infra iurisdictionem dicti Reuerendissimi patris existen tibi de tua fidelitate plurim confiden in pios vsus distribuend committim' Tequè administrat, in, & de eisdem bonis & cæteris præmissis præfecimus, ordinamus, & deputamus p̃ p̃sentes. Onerañ te in virtute iuramenti tui coram nobis in hac parte præstiti quod verum, plenum, integrum, & fidele inuentarium omnium huiusmodi bonorum confic̃as, & nobis exhibeas, debitaque ipsius defunct, in quibus tempore mortis suę effectualiter tenebatur iuxta iuris exigen in hac parte bene & fideliter persoluas, necnon compot calculũ siue ratiocinium de administratione tua huiusmodi in Scaccario Eborum reddas, cum sup hoc fueris euocat Ac prędictum Reuerendiss. in Christo patrem & nos, ac omnes Officiarios & ministros nostros quoscunque indemnem & indemnes ver- Sect. 650.

sus

sus quoscunq, ratione administrationis tuæ hmodi imperpetuũ conser-
ues, Saluo iure cuiuscunque. Dat Eborum &c.

A deputation to a Commissarie, or Deane.

Sect. 651. IOhannes R. Legum Doctor, venerabilium virorum dnorum Decani & Capituli Ecclesiæ Cathedral' & Metropoliticę Eborum, causarum siue negotiorum suorũ Auditor sufficient & legitim deputatus, dilect nobis in Christo H.M. in legibus Baccalaureo Decano decanatus de D & I.T. clerico Rectori Ecclesię parochialis de T. Ebor dioces. salutem in dno sempiternam. Ad admittend ac vice et nomine nostris recipiẽd cautiones obligator psentibus annex' tam pro secura solutione pecuniarum summarum M.I.B. & C.B. in eisdem nominat, ac eis p porcionib' suis alijsque legatis & iuribus ex bonis & catallis Magist A.B. sacræ Theologiæ Baccalaurei nuper Canonici residentiarij Ecclesię Cathedralis & Metropoliticæ & beati Petri Ebor prædicti patris eorum defunct' debit, quam pro indempnitate nostra, ac officiariorum & ministrorum nostrorum quorumcunque versus quoscunque, iuxta tenores cautionum prædictarum, per quosdam A.S. de M. in comitatu E. generos. R.L. de S. in comitatu N. generos. &c. in prędict' cautionibus alias etiam nominat & in dioces. Ebor degentes ac commorantes prstand, sigilland, & signand: Ac ad omnem iuris & facti effectum deliberand, Vobis coniunctim & diuisim de quorũ fidelitatibus, circumspectionibus, ac industrijs plurimum confidimus vices & authorit nostras cõmittimus per prsentes. Et quid in præmissis feceritis, nos seu locum nostrum tenens seu tenent circa festum Purificationis beatę Marię virginis proximum futur post datum præsentium de gestis in hac parte, vnà cum prsentibus cautionibus hmodi debit certificetis, (*seu fie*) certificet ille vestrum qui prsentem nostr commissionem fuerit execut. Dat Ebor sub sigillo officij prędict' decimo die mensis Decembris, An Domini 1592.

Administration by the Archbishop of Canterburie, where the intestate had goods in diuers Dioceses.

Sect. 652. I. Prouidentia diuina C. Archiepiscop' totius Angliæ Primas & Metropolitanus, dilecto nobis in Christo prænobili viro domino Gilb. Comit moderno S. filio naturali & legitim dni G. nuper Comit S. & Comitis Marescalli Angl, pclarique ordinis garterij Milit def. Salutem

tem. Cum idem dominus G. def. habens dum vixit & mortis suæ tempore bona siue iura credit in diuersis Dioces. siue iurisdictionibus suis dum egit in humanis rite & legitime condiderit Testamẽtum suum in se continens vltimam voluntatem, in quo siue qua E. T. & H. T. armig' filios suos naturales & legitimos nominauerit, ordinauerit, fecerit, & constituerit executor. Qui quidẽ executores ex certis causis animos suos in hac parte justè moueñ oneri executionis dicti Testamenti expresse renunciauer. Cuius ptextu omniu & singulorũ bonorũ, iurium, & credit antedict def. plenaria dispositio administrationisque eorundẽ commissio, Necnon compot, calculi, siue ratiocinij administrationis huiusmodi audit, finalisque liberatio siue dimissio ab eadem ad nos solum & insolidum, & non ad alium nobis inferior Iudicem notorie dignoscuntur pertinere. Nos vero affect' vt bona, jura, & credita dict' def. bene & fideliter administrenť dictumq; Testamenť perimpleat, suumque debitum sortiatur effectum, ad administrandť igitur bon, iur, & credit hmodi, iuxta tenor & effectũ Testamti supradicti pentibus annex', ac bene & fideliter disponendť de eisdem, Necnon credita quæcunque dict' def. petendť, colligendť, leuandť, & exigendť, quæ ad eundem def. dum vixit & mortis suę tempore pertinuerũt, Ac primo de soluendť æs alien in quo idem def. hmodi mort' suæ tempore extitit obligať, deinde legata in dicto Testamento, pentibus vt præfertur annex' contenť & specificať, quatenus bona, iura, & credita sui hmi ad hoc extendãt iuxta ratam eorundem, Tibi de cuius fidelitate in hac parte confidemus primitus de bene & fideliter administrandť eadẽ, ac de pleno & fideli Inuentario omnium & singulorũ bonorũ, iur, & creditor hmi cõficiendť, & illud in Cur progatiuæ nostr Canterb. secundo die post festum Ascen dñi nr prox' futur exhibendť. Necnon de pleno & vero compoto, calculo, siue ratiocinio in ea parte reddendť ad sanct dei Euangelia in persona Magistri G. C. notarij publici procuratoris tui in hac parte constituť iurať plenam tenore pentium committimus potestatem. Teque administratorem omnium & singulor bonorũ, iurium, & credit hmodi ordinamus, deputamus, & constituimus p pentes. Dať Londiñ vicesimo tertio die mensis Decemb. Anno &c.

Administration by the Archbishop of Y.

IOhannes prouidentia diuina Ebor Archiepiscopus Angliæ primas & Metrop, dilect nobis in Christo pnobili viri G. Comit moderno S. filio natur & legit G. nuper Comitis S. ac Comitis Mareschalli Angliæ Sect. 653.

Angliæ, præclarique ordinis Garterij Militis def. salut in Domino: Cum dilectus noster I. B. legum Doctor Curiæ Prærogatiuæ nostræ Ebor' Commissarius rite & legitime procedens ex certis causis corã eo ex parte tua allegatis & prepositis & ex aliis justis & legitimis causis se & animum suum in ea parte mouentibus ad petitionem partis tuę literas administrationis omnium & singulorum bonorum jurium & creditorum quæ fuerunt dicti def. in & per totam prouinciam nostram Eborum existen' alias nobili mulieri dominæ E. comitissæ S. viduæ relictæ dicti domini G. def. per Commissarios nostros Curię nostrę prędict' S. concessas reuocand' fore decreuit & reuocauerit, ac pro reuocatis administrationem juris & facti effectum ex inde quouismodo sequi valen' habere voluerit, declarauerit, & pronunciauerit. Necnon ad petitionem partis tuę administrationẽ omnium & singulorum bonorum jurium & creditorum quę fuer' ipsius def. infra prouinciam nostram Ebor' existen' saltem non legitime administrator' tibi de nouo committend' fore decreuerit, ac etiam tibi in persona I. S. notarii publici procuratoris tui in hac parte legitime constitut' corã eo in form iuris primitus iurat' commisser' (iustitia id poscent) Tibi igitur de cuius fidelitate plurimum in domino confidimus administrationẽ omnium & singulorum bonorum iurium & creditor' quę fuerunt dicti def. infra prouinciam Ebor' existen' habẽtis dum vixit & mortuis suæ tempore bona notabilia in diuersis dioces. siue iurisdictionibus infra prouinciam nostram Ebor': cuius prętextu omnium et singulorum bonorum iurium & creditorum antedicti defunct' plenaria dispositio administrationisque eorundem commissio. Necnon compoti calculi siue ratiocinii administrationis huiusmodi auditio, finalisque ab eadem liberatio siue dimissio ad nos solum & insolidum & non ad vllum alium Iudicem notorie dinoscuntur pertinere, plenarie etiam committimus, Teque administratorẽ de & in eisdem bonis cęterisque pręmissis præficimus ordinamus & deputamus per præsentes, Onerantes te in virtute juramenti tui prędict' qnatenus plenum verum & fidele Inuentar' omnium huiusmodi bonorum cõficias & nobis in Curia nostra prędict' citra Festum Ascensionis domini nostri proxim futur' post dat' præsentium exhibeas. Debitaque ipsius defunct' in quibus tempore mortis suę effectualiter tenebatur iuxta iuris in ea parte exigen', Necnon legata in Testamento præsentibus annex' contenta & specificata juxta facultates bonorum bene & fideliter persoluas. Necnon compotum calculum siue ratiocinium de & super administrationem tuam prædictam in Curia nostra prædict' reddas cum super hoc fueris euocatus,

catus, Ac nos &, omnes & ſingulos officiar & miniſtros nros quoſcunq; indemnem, & indemnes verſus quoſcunq; ratione pmiſſor conſerues: Saluo iure cuiuſcunq;. Dat Eborſub ſigillo officij nri prærogatiuę pd vltimo die menſis Decemb. Anno dni 1590. Et nrę tranſlac' ad Archiepiſcop Eborſ anno ſecundo.

In Dei nomine Amen. Admiſſis ꝓbationibus de & ſuꝑ factione teſtamenť præſentibus annex', corā nobis I. B. legū Doctore & M. S. artiū Magiſtro Cur prog' Reuerend in Chriſto patris & domiń dni diuina pmiſſione Eborſ Archiepi, Angl primat & Metropolitań Commiſſarijs legitimè deputatis, ipſum teſtm ritè factum & legitime probatum. Nos Commiſſarij antedicti approbamus & inſinuamus, ac ꝓ valore ciuſd declaramus. In cuius rei teſtim ſigillū officij nri pd, ꝑſentibus eſt appoſitū Dat Eborū ſub ſigillo pd vltim die menſis Decemb. &c.

Thus much of Teſtaments, Codicils, and Letters of Adminiſtration.

An Inuentarie.

An Inuentarie is a diſcription or Repertorie, orderly made of all dead mens goods and chattels, prized by foure credible men, or more, which euery executor and adminiſtrator ought to exhibute to the Ordinarie, at ſuch time as he ſhall appoint the ſame. And Inuentaries ought to bee made ſo ſoone as conuenientlie may be, after the parties death, leaſt the goods be imbeziled. And for the moſt part they are made thus: Sect. 654.

The Inuentarie of the goods and cattels of A. B. of D. in the countie of C. yeoman deceaſed, made and approued by C. D. E. F. G. H. and I. K. the ſecond day of May, in the 36 yeare of the raigne of our Soueraigne, Quéene Elizabeth &c. 1594.

Imprimis, in readie money.	v.li.
His Appartell.	xl.li.
Item in his bed Chamber, two ſtanding beds with teſtors.	iiij.li.
Item two Fetherbeds, and one Downe bed.	v.li.
Item foureteene Blankets.	xxx.s.
Item eight paire of Sheets.	xl.s.
Item fiue Couerlets, and two Couerings.	vj.li.

In

In like manner euery thing, as woollen, linnen, wine, oyle, beere, ale, corne, and graine, hay, wool, flax, wood, coales, yron, lead, houshold stuffe of all sorts: as tables, hangings, chaires, cushions, chests, pots, pannes, pewter, vessel, brewing vessels, implements of husbandrie, leases, debts due to the dead man, or by him due to any other, corne vpon the ground, horses, oxen, kine, sheepe, swine, pullen, &c. And for the houshold stuffe, either to set downe what is in euerie seuerall roome: as euery parler, chamber, studie, shop, butterie, celler, pantrie, hall, deirie, kitchin, brewhouse, backhouse, laundrie, barn, stable, orehouse, cowhouse, dounehouse slaughterhouse, milkehouse, and euery other house. Or else (which seemeth better) to sort all things of one kind together: as all brasse together, all pewter together, all bedding together &c. prising euerie thing seuerally by it selfe. And then to subscribe the same Inuentarie with the names of the same praisors, in the presence of sufficient witnesses. And this ought to be done with great diligence, care, and sinceritie, that the true value of euery thing may be known, to the end that the dead mans children or kinsfolks, his legatories and creditors may haue their own, without such fraudlent concealing, as in like cases is dayly committed.

Per nos A.B.C.D.E.F.G.H.

Instruments in Merchants affaires.

A Charter partie.

Sect. 655.

IN the name of God amen, This Charter partie of a fraughtment made betweén R. F. of London Mercer, and E. W. of Redderife in the county of M. Master vnder God of the good ship called the R. of L. of the burden of 300. tunne, or thereabouts, now riding at an anchor in ẏ riuer of Thames of thone party, of which ship the said R. and E. are party owners, And Th. C. Mercer, and R. S. Haberdasher, Merchants of London owners of the other partie and residue of the said ship, of thother partie, Witnesseth, that the said R. F. and E. W. haue graunted and letten to freight all their part of the said ship vnto the said T. C. and R. S. for a voyage with her to be made (by Gods grace) in manner and forme following, that is to say: The said R. F. and E. W. for their part do couenant and graunt, to and with the said T. C. and R. S. by these presents, That the said ship with the first good wind and weather that God shall send next after the date hereof, shall (by Gods grace) directly sayle from the sayde riuer of Thames,

Thames, with ſuch goods and marchãdiſes as ſhalbe laden in her, into the port of Ligorne in Italy vnder the dominion of the Duke of F. and there ſhall diſcharge ſuch goods and marchandiſes as ſhalbe appointed there to be vnladen, and from thence ſhall take her direct courſe with aſmuch conuenient ſpeede as may be vnto the Iſle of Zanta in Grecia, vnder the gouernment of the Seignorie of Venice, and there ſhall tarrie and abide by the ſpace of forty working daies, next after her firſt ariuall there at an anker, for to vnlade ſuch goods and marchandizes, as is, or ſhalbe appointed there to be vnladen freight free. And alſo within the ſame time ſhal relade ſuch goods, wares, and marchandiſe as the ſaid T. and R. their factors and aſſignes will there charge and lade into the ſaid ſhip, after the rate as followeth, that is to ſay: accompting xx. C. net of Currance for a tunne, xb. barrels of Dyle for a tunne, ſo many gallons as wil fill foure hoggeſheads for a tunne, and for all other ware and marchandiſe to be laden in the ſaid ſhip by the ſaid T. and R. their factors or aſſignes, after ſuch rate as ſhalbe thought reaſonable and conuenient by iiij. indifferent perſons, whereof two to be choſen by the ſaid T. and R. and thother two by the ſaid R. E. And that the ſaid ſhip with her burthen, ſhall with the firſt and next good wind and weather after therpiration of the ſaid xl. working daies (by Gods grace) directly ſaile and come from the Iſle of Zanta, vnto the ſaid citie of L. for her right diſcharge, or as neere thereunto as ſhe conueniently may. And the ſaid T. and R. do couenant and grant, and either of them couenanteth and granteth by theſe preſents, That they their factors, deputies, or aſſignes, or ſome of them, ſhall and will well and truely pay, or cauſe to be paid to the ſaid R. and E. or to either of them, their, or either of their certaine atturney, executors, or adminiſtrators, in the ſaid citie of London. vi. li. of &c. for euery Tunne of ſuch wares and marchandiſes as aforeſaid, as ſhall bee laden in the ſaid ſhip by the ſaid T. and R. their factors, deputies, or aſſignes, ratably, according to the parts and intereſts of the ſaid R. and E. of, and in the ſaid ſhip, in maner and forme following, that is to ſay: One third part thereof vpon the right diſcharge of the ſaid ſhip, and one other third part thereof within the ſpace of vj. weekes then next following, and the reſidue thereof within the ſpace of vj. weekes then next inſuing. And the ſaid R. and E. doe couenant and grant, and alſo warrant, ỹ the ſaid ſhip for their parts ſhal be ſtrong and ſtaunch, and well and ſufficiently victualed, tackled, & apparelled, with ſaile, yards, ankors, cables, ropes, gunnes, ſhot, artillerie, gunpowder, and all other inſtruments, tackel, & apparel needful and neceſſary in ſuch a ſhip for a like voiage, Together with an able Maſter, 56. men & a boy,

which

which men and boy shall bee readie at all due times, with the Cockboat of the said ship, to serue the said Tho. and R. their factours and assignes, to, and from land during the sayd voyage. And also to discharge and relade the said ship as opportunitie shall serue. And to the aforesaid couenants, graunts, articles, and all other things, on the partes of euerie the parties aforesayd, truely to bee holden, kept, and performed in all things as is aforesaid, the same parties do bind themselues on to thother, that is to say: The said R. and E. and either of them do by these presents bind themselues, and their seuerall executors and goods, and their seueral parts and interests in the said ship, with the furniture of the same, to the said T. and R. and to their executors and administrators. And the said T. and R. and either of them doe likewise bind themselues, their executors, and administrators, and al their goods to the said R. and E. their executors, and administrators, in the summe and penaltie of 2000. li. of lawfull &c. by the partie or parties infringing couenant to the parties obseruing, truely to be paied by vertue of these presents. In witnes &c.

Another Charter party.

Sect. 656. IN the name of God Amen. This Charter partie indented of a fraightment made betweene T. P. Citizen and Alderman of London, and R. C. citizen and Draper of London, owners of the good ship called the Primerose of London, of the burden of 140. Tunnes, or thereabouts, at this present ryding in the Ryuer of Thames within the Port of London, whereof is Master vnder God for this present voyage T. W. on thone partie, And B. L. Merchant of P. now resident in London on the other partie, Witnesseth, that the saide owners and Master haue graunted and letten the sayd ship to fraight to the sayd Merchant: And that the sayd Merchant hath hyred the said ship for a voyage with her to be made, by Gods grace, in forme insuing, that is to say: The sayd Owners and Master, for them, their executors and administrators, and euerie of them do couenãt and grant, and euerie of them couenanteth and granteth by these presents, to, & with the sayd merchant, his executors and administrators, and euery of them in forme following, that is to say: That the said Shippe shall ryde and tarrie within the Ryuer of Thames, vntill the xvj. day of this instant Moneth of July, and shall receiue into her within the sayd Port of London fraight frée, all such goodes, wares, and merchandizes, as it shall please the sayd Merchant, his factors or assignes,

there

there to charge and lade into her before her departure, And not to receiue into her before her departure any the Goods or Merchandizes of any perſon or perſons without the ſpeciall conſent and agreement of the ſayde Merchant, his Factors, or Aſſignes, except three packes of Merchandize fraight free, of the proper goodes of the ſayde K.C. And that the ſayde Shippe ſhall with the firſt good wind and weather that God ſhall ſende next after the ſayde fifteenth day of this ſayde inſtant Moneth of Julie depart and ſayle from the Port of the ſayd Citie of London, with the ſaide receiued goods of the ſaid Merchant vnto Gore ends of this Realme, where ſhee ſhall tarrie and abide by the ſpace of tenne dayes next inſuing her firſt arriuall there, at an Anchore to receiue into her fraight free, as much Corne as ſhee may ſafely carrie ouer, and beſides her victuall, tackeil, apparrell, munition and furniture. And moreouer that the ſayde Shippe ſhall with the firſt good winde and weather that God ſhall ſend, next after the expiration of the ſaide tenne dayes, directly ſayle from Gore end aforeſaid vnto L. in the Realme of P. as nigh the ſame Towne as ſhee may ſafely arriue to make her right diſcharge: Where the ſayde Shippe ſhall tarrie and abide by the ſpace of fortie fiue daies next enſuing her firſt arriuall there at an Anchore, as well to diſcharge ſuch goodes receiued into her within the ſayde Port of London and at Gore end aforeſaid, as alſo to recharge and receiue into her, one hundred and fortie Tunnes in all ſuch Goods, Wares, and Merchandizes, as it ſhall pleaſe the ſayde Merchant his Factors or aſſignes, there within the ſaid fortie fiue dayes to lade into the ſayd Shippe before her departure. Prouided alwaies, and it is agréed betwéene the ſayd parties to theſe preſents. And the ſaid Owners and Maſter doe couenaunt and grant, for them, their executors and adminiſtrators, and euery of them by theſe preſents, to and with the ſaid Merchant his executors and aſſignes. That if the ſayd Merchant his Factors or aſſignes, cannot within the ſaid fortie fiue dayes lade the ſayd Shippe at L. aforeſaid, That then the ſayd Shippe ſhall tarrie and abide at L. aforeſaid, by the ſpace of fifteene dayes next after the expiration of the ſayde fortie fiue daies. And that the ſaid Shippe being as aboue at L. aforeſayde laden, ſhall with the firſt good winde and weather that God ſhall ſend thereunto moſt apt and conuenient, next after the expiration of the ſayde abiding dayes, or ſo ſoone as ſhee ſhall bee laden, directly ſayle from thence vnto A. or London, to ſuch of the ſame places, where it

shall please the said Marchant his Factors or assignes, that the said Shippe shall make her part of discharge. In consideration whereof the said Marchant for him his executors, factors, and assignes, and for euery of them, doth couenant and graunt by these presents, to and with the said owners and Maisters, their executors, administrators and assignes, That he the said Marchant, his executors, or assignes, shall and will as well within the said Port of London, and at Gore end as at L. aforesaid, within euery of the sayd limited abiding dayes, as well discharge the sayd Shippe, as recharge and lade into her one hundred and fortie Tunnes of whatsoeuer goods or Marchandises, reckoning and accounting two Pipes for a Tunne, foure Hoggesheads for a Tunne, three Punchions for a Tunne, fiue Tertians for a Tunne, two and twentie Kintalls and a halfe of the waight of Andolozen for a Tunne: and of bagges of spices, and Chests of sugar according to the vse of Marchants and Marchandise. And also that hee the said Marchant, his factors or assignes, shall within the sayd abiding dayes at L. aforesaid, or so soone as the sayd Shippe shall be there as aboue laden, giue their notice vnto the sayd Maister or his assignes, whether the same Shippe shall make her right discharge at A. or London. And also that hee the sayd Marchant, his Factor or assignes, shall and will truely pay or cause &c. vnto the sayd owners, or to one of them, their executors or assignes, for euery Tunne of the said Shippes lading that shall be discharged or vnladen at London aforesaid l. s. of lawfull money of England, the one halfe thereof within fiue dayes next after the right discharge of the same Ship at London aforesaid, And the other halfe thereof, within one moneth next insuing the expiration of the same fiue dayes, together with petylodeminage, primage, and ouerage, wont and accustomed. And also that hee the said Marchant, his factors or assignes, shall truely pay or cause &c. to the sayd owners or their assignes, fraight for euerie Tunne of the said shippe lading, from L. aforesaid, that shall be discharged at A. aforesaid, fiue and fiftie shillings and eight pence, of lawfull money of England, or the iust value thereof in money there currant, the one halfe thereof within fiue dayes next insuing the right discharge of the said shippe at A. aforesaid, and the other halfe thereof within one moneth next insuing the expiration of the sayd fiue dayes, together with petylodeminage, primage, and ouerage, wont and accustomed. And moreouer that hee the sayd Marchant, his Factors or assignes, shall and will for euery day that the said Ship shall tarrie as aboue at L. aforesaid (ouer and aboue the said fortie

fiue

fiue dayes) there truly pay or cause to be paid &c. to the said Master or his assignes, fiue Duckets of money there currant without fraude or guile. And the said owners and maisters do couenant, graunt, and warrant by these presents, that the said ship shall be able to receiue into her vnder hatches at L. aforesaid, ouer and besides her victuall, tackle, and apparrell, the said quantitie of Crl. tuns. And that the said ship is and shalbe strong, and stanch, and well and sufficiently victualled, tackled, apparrelled, and furnished, with masts, sailes, saileyards, anchors, cables, ropes, cords, guns, gunpowder, shot, artillerie, tackle, apparrell, boate and furniture méete and decent for such a ship, and for such a voyage, together with an able Master, fiue and twentie able men and a boy: which men and boy shall bee readie at all times conuenient during the said voyage, with the cocke or boate of the said Shippe to serue the sayde Merchant, his Factours and assignes to and from land. And to all and singular couenaunts, graunts, and articles aboue expressed, which on the behalfe of the sayd owners and maisters, and euerie of them, are well and truely to bee kept and performed in all things as aboue, the said owners and maisters binde themselues, their executors and administrators, and euerie of them, and specially the Shippe aforesaid with the straight, tackle, and apparrell of the same, vnto the said merchant and his executors and administrators, in the penaltie and summe of foure hundred pounds of lawfull money &c. truely to bee paid by these presents. And in like maner to all and singular couenants, grants, articles and agreements aboue expressed which on the behalfe of the said merchant, his factors and assignes, and euery of them are truly &c. the said merchant bindeth himselfe, his executors, administrators and goods, and euery of them vnto the said owners, and to their executors and administrators, in the like penaltie and summe of foure hundred pound of &c. truely to be paid by these presents. In witnes whereof the parties aforesaid to these Charter parties indented, interchangeably haue set their seales. Dated 3. die Iulij, Anno xxiij. dñæ nostræ reginæ Elizabethæ.

A Sale of a quarter or a fourth part of a shippe.

TO all Christian people to whom this present writing shall come, Sect. 567.
H.B. of London Esq. owner at this present of one quarter or fourth part of the good ship or barke called the Minikin of London, and of one quarter or fourth part of all her masts, sayles, saile-yards, an-

anchors, cables, ropes, cordes, gunnes, gunnepowder, shot, artillerie, tackell, apparrell, munition, boat sciffe, and furniture whatsoeuer to the said Shippe belonging or appertaining, sendeth greeting in our Lord God euerlasting. Know yee that I the sayde Y. B. for and in consideration of the summe of thirtie pound &c. whereof &c. Haue giuen, graunted, bargained and sold, and by these presents, doe giue, graunt, bargaine, and sell vnto the saide T. Y. the sayd one quarter or fourth part, as well of the saide Shippe or Barke called the Minnion, as of all the masts, sayles, sayle yards &c. and furniture whatsoeuer, to the sayde Shippe belonging, or in any wise appertaining. To haue and to hold the sayde one quarter or fourth part as well of the saide Shippe, as of all and singular other the premisses before by these presents mentioned or intended to bee bargained and sold vnto the sayde T. Y. his executors and assignes, as his and their owne proper goods, to his and their owne proper vse for euer. And I the sayde Y. B. for mee &c. doe couenaunt &c. That I the sayd Y. B. the daie of the date hereof, am the verie true lawfull and perfect owner of the sayd one quarter or fourth part of the said Ship, and of all and singular other the premisses by these presents mentioned to be bargained and sold, and of euery part and parcell thereof. And that the said one quarter or fourth part of the sayde Shippe, and all other the premisses by these presents mentioned to be bargained and sold, and euery part and parcell thereof, the day of the date hereof, and at thensealing and deliuerie of these presents, now are and bee, and so from henceforth shall continue, remaine, and be vnto the said T. Y. his executors and assignes, clere and clerely acquited, exonerated, and discharged, or sufficiently saued and kept harmelesse by mee the sayd Y. mine executors and assignes, as well of and from all and singular former bargaines, sales, gifts, graunts, troubles, and incumbrances whatsoeuer, had, made, committed, caused, procured or done by mee the said Y. or by any other person or persons, by my meanes, knowledge, sufferance, consent or procurement: As also of, for, and from all and singular debtes and summes of money which the said Shippe or the sayd quarter or fourth part thereof, and other the premisses by these presents bargained and sold, is of right indebted or in any wise chargeable to any person or persons whatsoeuer. And I the sayd Y. mine executors and administrators, & euery of them the said one quarter or fourth part of the said Ship, and all and singular other the premisses before by these presents mentioned to bee bargained and sold vnto the

said

ſaid T.P. his executors or aſſignes, againſt all men that ſhall or may pretend or claime any lawfull right, title, or intereſt, of, in, or to the ſaid quarter, or fourth part, as well of the ſaid Ship, as other the ſaid premiſſes, aboue by theſe preſents mentioned to be bargained and ſold, or of, in, or to any part or parcell thereof, within one whole yeare and a day next inſuing the date of theſe preſents, ſhall and will warrant, diſcharge, and defend by theſe preſents (perill of ſeas, fire, and enemies only excepted) In witnes &c.

A ſale of a Ship in a ſhort forme.

TO all Chriſtian people to whom this preſent writing ſhall come, Sect. 658
James A. Citizen and I. of London, owner of the good ſhip called the Bonauenture of H. of the burden of 200. Tunnes, or thereabouts, now riding at an anchor in the riuer of Thames within the Port of L. and of all and ſingular maſts, ſayles, ſayleyards, anchors, cables, ropes, cords, gunnes, gunpowder, ſhot, artillerie, tackle, apparrel, munition, boat ſkiffe, and furniture whatſoeuer to the ſaid ſhip belonging or appertaining, ſendeth greeting in our Lord God euerlaſting. Know yee, that I. the ſaid I.A. for, and in conſideration of the ſumme of &c. of lawfull money of England, to me in hand before thenſealing and deliuerie hereof truely paied by W.R. of London merchant (of which ſum I the ſaid I.A. do acknowledge the receit by theſe preſents.) Haue bargained and ſold, and by theſe preſents do bargaine and ſell vnto the ſaid W.R. the ſaid ſhip, called the B. of H. and all and ſingular ỳ ſaid maſts, ſayles, ſayleyards &c. to the ſaid ſhip belonging or appertaining, or to or with the ſaid ſhip now vſed or occupied. To haue and to hold ỳ ſaid ſhip called the B. &c. and all and ſingular the ſaid maſts, ſayles, ſayleyards, anchors, cables, ropes, and all and ſingular other the premiſſes hereby mentioned to be bargained and ſold to the ſaid W.R. his executors, adminiſtrators, and aſſigns, to and for the only and proper vſe and behoſe of the ſaid W.R. and of his executors, adminiſtrators, and aſſignes for euer. And I the ſaid I.A. mine executors and adminiſtrators, the ſayde ſhip and other the premiſſes hereby mentioned to bargained and ſold to the ſaid W.R. his executors and adminiſtrators againſt all men, ſhall warrant and defend by theſe preſents, for one whole yeare and a day next inſuing the date hereof, according to the law of Oleron (perill of ſea, fire, and enemies onely except.) In witnes &c.

A Bill of Lading.

Iesus in London the 16. of Iune, 1598.

Sect. 659. LAden by the grace of God in good safetie within the Port of London by H. A. and R. I. of London aforesaid Merchants, vpon the good ship called the H. of London aforesaid (whereof is Master vnder God L. H.) ten pakets of Flare, euerie packet containing fortie eight bundels, marked with the marke in the margent hereof, and eightene lasts of Pitch, being not marked, to bee conueied in the said ship to the Port of T. in Britaine, and there to be consigned well conditioned vnto A. B. Factor of the said H. A. and R. I. In witnesse of the truth whereof, the Purser of the said ship hath firmed two Bills of one tenor, one being accomplished, the other to rest void.

A Bill of Exchange.

Laus Deo, in London 26. Iunij, 1598.

Sect. 660 AT double vsaunce, I pray you pay by this my first bil of exchange, my second and third not being paied vnto R. H. merchant, or the bringer hereof, the summe of one hundred pounds Flemmish mony, current in H. for merchandizes, and is for the very value thereof here by me receiued of the said R. H. At the day I pray you make him good paiment. And thus God keepe you.

Per me A. B.

Nota, Bills of Exchange are commonly directed, and to be answered in foure maners, viz.

1 At sight, which is vpon shew of the Bill.

2 At halfe vsance, which is at the end of halfe a moneth after the date of the Bill.

3 At vsance, which is at the end of a moneth after the date of the Bill.

4 At double vsance, which is at the end of two moneths after the date of the Bill.

A Bill of credit.

THis present writing witnesseth, That I T.S. of London Alder- Sect. 661
man do vndertake to and with R.E. of the Citie of Bristow Mer-
chant his executors and administrators, that if he deliuer vnto A.B.
or vnto any of his assignes to his vse, any summe or summes of money
amounting to the summe of fiue hundred pound of lawfull money
of England or vnder, and shall take a bill vnder the hand and seale of
the said A.B. confessing and shewing the certaintie thereof, That then
I, mine executors or administrators hauing the same Bill to vs or a-
ny of vs deliuered, shall immediately vpon the receit of the same Bill
pay or cause to bee paied to the sayd R.E. his executors or assignes, all
such summes of money as shall bee contained in the said Bill. To the
which paiment truely to be made, I bind me, mine heires, executors,
and administrators by these premisses. In witnes &c.

A protest for not accepting of a Bill of Exchange.

IN Dei nomine Amen. Vniuersis & singulis prẽsens protestationis Sect. 662.
instrumentum visuris, lecturis, seu audituris pateat euidẽt, & sit no-
tum, q̃ anno domini millesimo quingentesimo nonagesimo octauo, &c.
anno regni dominæ nostr̃ Elizabethæ, dei gratia Angl̃, Franciæ, et Hi-
bernię Reginæ fidei defensatricis &c. quadragesimo, mensis vero Sep-
tembr̃ die duodecimo. In mei notarij publ̃ici infranominati, testiumq̃
infrascriptorum præsentia, personaliter constitutus, prouidus & discre-
tus vir dominus R.H. de Londõ Mercat̃, habens in manus quasdam
literas originales Cambij, sequentis tenoris, viz. Laus deo in H. the xij.
of August 1598. At vsance it may please you to pay by this my first
Bill of Exchange, my second and third not being paied, vnto R.H. of
London Merchant or to his assignes, the summe lxiij. li. sterling, and
is for so much receiued here for R.S. after xx.s. ix.d. per pound, of
the which aforesaid summe of lxiij. li. at the day it may please you to
make good payment, and to charge it to your account, And so God
keepe you. Subscriptio erat, per me Edwardum Barney: Super-
scriptio vero, To the worshipfull I. W. Merchant in London.
Primo, Requisiuit me dictum Notarium vt secum & dictis testibus

me contulerim ad ędes dicti I. W. ſitas in platea nuncupat̃ C. Londoñ vt eaſdem cambij literas eidem preſentaret acceptandas, Quibus quid̃ literis ſic præſentatis, idem I. W. reſponſum dedit & dixit ſe eaſd̃ acceptare nolle, Qua quidem reſponſione ſic data & per dict̃ R.H. firmiter audita & intelect̃ proteſtatus eſt, & ſcire preſentiũ ꝓteſtatur, tã contra prędictum E.B. ſubſcribendum, quam contra quoſcunque alios ad quos quomodocunq; pertinere vt debetur de cambijs, recambijs, omnibuſq; alijs damnis, expenſis, amiſſis, et intereſſe quæ prænominatus R.H. paſſus eſt, patitur, aut poſthac adhuc, forte pati cogitur, ob defect̃ acceptationis literar̃ Cambij ꝑdictar̃. Acta fuerũt hæc Londini omnia & ſingula prout ſupra ſcribuntur & recitantur, præſentib⁹ tunc ibm̃ A.B. & C.D. Mercatoribus Londinenſibus, Teſtibus ad ꝑmiſſa vocatis ſpecialiter, atque rogatis.

Et ego A.B. Ciuis Ciuitatis Londini publicus dict̨ Regiñ Maieſtatis notarius admiſſus atq; iuratus, quia vna cum ꝑnominat̃ Teſtib⁹ præmiſſis interfui, igitur hic me ſubſcripſi ſignumque meũ ſolitum & conſuetum appoſui, rogatus in fidem præmiſſorum.

An aſſurance or policie vpon goods laden in a Ship to be tranſported from one Port to another.

Sect. 663 IN the name of God Amen. The twentieth day of December, in the yeare of our Lord God one thouſand &c. and in the fortieth yeare of the raigne of our Soueraigne Ladie Elizabeth &c. Bee it knowne vnto all men by theſe preſents, That William W. of London Merchant, as well in his owne name as in the name of all and euerie other perſon and perſons, of what nation, condition or qualitie ſoeuer hee or they bee, to whom it doth, may, or ſhall appertaine in part or in all, doth make aſſurance, and cauſeth him and them, and euerie of them to bee aſſured from the Port of S. to the Port of London vpon ſugars or any other kind of Merchandizes whatſoeuer, laden or to be laden by him or them, or for him or them, or in his or their, or any of their names, or in the name of any other perſon or perſons in the good Shippe called the M. of Y. whereof is Maſter I.K. or whoſoeuer ſhall goe for Maſter in the ſaid Ship, and by whatſoeuer other name or names the ſaid ſhip, or maſter is, or ſhall be named or called: Beginning the aduenture from the day and houre that the ſame goods were

were, or ſhall be laden aboord the ſaid ſhip at H. aforeſaid, and to continue and endure vntill ſuch time as the ſame ſhip ſhall be arriued to the ſaid Port of L. and the goods there laid on land in good ſaftie. Touching the aduenture and perill which the aſſurers hereunder named are contented to beare and take vpon them in this preſent voyage, is of war, Fire, Enemies, Rouers, Jetteſon, letters of Mart, detainment, arreſt, and reſtraint of Princes, or of any other perſon or perſons, Barratry of the Maiſter and Mariners, and of all other perills and fortunes whatſoeuer they bee, or howſoeuer it ſhall chance, to the hurt of the ſaid goods or any part thereof. It is to be vnderſtood, that this preſent writing ſhall be of as much force and effect, as any other writing of aſſurance which is vſed to be made at the Royall Exchange in London, or at the Burſe in A. And ſo the ſaid Aſſurers are contented, and doe bind and ſubmit themſelues, their executors, adminiſtrators, and goods And for witneſſe of the trueth, the ſaid Aſſurers hereunder ſhall ſubſcribe with their owne proper hands. God ſend the good Shippe in ſafetie.

I James H. do agrée to this aſſurance, for the ſumme of one hundred pounds, the 11. day of December, Anno Domini &c. God ſaue the good Ship. } C.li.

I B. M. doe agree &c. vt antea.

An aſſurance or policie vpon the life of a man, for a certaine time.

IN the name of God Amen. Bee it knowne vnto all men by theſe preſents, That R. W. of London D. doth make Aſſurance and cauſeth himſelfe to bee aſſured vpon the naturall life of T. B. for, and during the ſpace of ſixe Monethes, next inſuing the vnderwriting hereof by the perſons hereafter ſubſcribed, fully to be compleate and ended, Which ſayd T. B. is now in health and well, and meaneth not to trauell out of England: The which aſſurance wee the perſons hereunder named, for, and in conſideration of certaine current money of England, by vs receiued at the ſubſcribing hereof of the ſaid R. W. after the rate of ſixe per cent, whereof wee acknowledge our ſelues, and euerie of vs by theſe preſents truly ſatiſfied and paid, do take vpon vs to beare. And wee doe aſſure by theſe preſents, that the ſaid T. B. by what addition ſoeuer he is or ſhalbe named or called, ſhal by Gods grace continue in this his naturall life, for, and during the ſpace Sect. 664.

of

of fiue monethes, as aforesaid: Or in default thereof, euerie of vs the assurers to satisfie, content, and pay, or cause &c. vnto the said R.W. his executors or assignes, all such summe and sums of money as we the assurers shall hereafter seuerally subscribe: Promising and binding our selues each one for his own part, our heires, executors, and administrators by these presents, That if it happen the said I.B. to die or decease out of this present world, by any wayes or meanes whatsoeuer, before the full end of the said fiue moneths be fully expired, That then we, our heires, executors, or administrators, within two moneths next after true intimation thereof be to vs, our heires, executors, or administrators lawfully giuen, shall well and truely content and pay, or cause &c. vnto the said R.W. his executors, administrators, or assignes, all such summe and summes of money, as wee the assurers shall hereafter seuerally subscribe, without any further delay. It is to bee vnderstood, that this present writing and assurance being made and registred, according to the Queenes Maiesties order and appointment, shall be of as much force and effect, as the best and most sure policie or writing of assurance which hath beene euer heretofore vsed to be in Lumbard street, or now within the Royall exchange in London. And so wee the assurers are contēted, and do promise and bind our selues, and euery of vs, our heirs, executors, and goods by these presents, to the assured, his executors, administrators, and assignes, for the true performance of the premisses, according to the vse and custome of the said streete, or Royall exchange: Submitting our selues to the order, determination, and iudgement of such Merchants as now be, or hereafter shall bee sworne and authorised by the Lord Maior of the Citie of London for the time being, for the deciding and ending of causes of Assurances. And in testimonie of the truth, wee the assurers haue hereunto seuerally subscribed our names and sums of mony assured. Giuen in the office of assurance within the Royall exchange in London the 14 day of May 1596.

I Joh.B. am content with this assurance (which God preserue) for the summe of fiftie poundes, the 14. of May 1596. } L.li.

I Tho.L. am content &c. vt supra.

An

An Obligation in French, for payment of a certaine ſumme of Money.

AV Nom de Dieu Amen, Sachent touts preſentz & auenir, que ce Iour huy dernier du moyes de Feburier, l'an de noſtre Seignieur Ieſus Chriſt Mil cinq cens quatre vingtz & ſept, ſtile d' Angleterre, et de Reigne de noſtre Sereniſſime Dame Elizabeth par la grace de Dieu Roigne d' Angleterre &c. l' an Trentieſme. Par deuant moy A.B. Notaire & Tabellion publiq demeurant a Londers, per l' authoritate de la Maieſtie de ladicte Roygne admys & iure, & en la preſence des teſmoignz cy deſſoubz nomez comparant perſonallement, P.B. Marchant de Bourdeaulx. Le quel comparant de ſon bon gree, franche, & libre volonte, ſans aulcune conſtrainte a recognu & confeſſe deuoir bien & loyaulment a honeſte homme G.B. Maiſtre de Nauire de Bourdeaulx de preſent demeurant a Redderif en la Countee de Surrey, en ce royaulme d' Angleterre a ce preſent, & acceptant la ſomme de treize lieures ſix ſoulz & huict deniers ſterlings, montant a Raiſon de troys eſcuz d' or ſol. & vn tiers pour lieure, a la ſomme de quarante quatre eſcuz d' or ſol. & vingt ſept ſoulz Tournoys, & ce pour ſemblable ſomme que ledict Comparant confeſſe que ledict G.B. auoyt paye pour luy a G.H. Maiſtre de Nauire Angloys demeurant a Lee en la County d' Eſſex en ce dict royaulme. La quella ſuſdicte ſomme de quarante quarte eſcuz d' or ſol. & vingt ſept ſoulz Tournoys, ledict Comparant a promis & promet par ces preſentes payer, ou faire payer bien & fidelement audict G.B. ou a ſon ayant cauſe, deuant le quatrieſme iuor de Decembre prochainement venant apres la date de tes preſentes ſans vlterieur delay, a paine de payer oultre, & par deſſus ladicte ſomme principalle, touts deſpens, domages, & intereſtz: Obligeant a ce ledict Comparant ſa perſonne, & touts & chaſcuns ſes biens meubles & immeubles preſentz & avenir, a eſtre prins & vendus per Iuſtice, come ſi par ſentence de Iudge competent il fuſt a ce condempne, & ladicte ſentence fuſt par luy approuuee & ratifice. Et ledict Sect. 663.

Com-

Comparant a renonce, & renonce par ceſtes a touts loix, droits, cuſtumes, benefices, priuiledges, & exceptions, qui luy pourroyent ſeruier contre l' effect de ces preſentes, & ſpeciallement au droit diſant generalle renonciation des loix non valoir, ſi l' eſpecialle ne precede. Le tout a la bonne foy ſans fraude ou colluſion. Ce fuit ainſy fact & paſſe en ceſte Cite de Londres, es preſences de A.C. & C.D. Merchantz, Teſmoignz a ce appellez & requis.

In teſtimonium prẽmiſſorum, ego Notarius publicus ſupranominatus præſens inſtrumentum ſigno meo manuali ſolito ſignaui, requiſitus.

An Obligation by one in the name of another, by vertue of a Procuration, where the Conſtituter is charged for the debt.

Sect. 666. IN Dei nomine Amen. Anno Domini noſtri Ieſu Chriſti, Milleſimo quingenteſimo octageſimo nono, die vero ſecundo menſis Septembr̃ ſtilo nouo, qui eſt vigeſimus tertius menſis Aug. ſtilo Angl̃, comparuit coram me R.B. Notario & Tabellione publico, per conſilium priuatũ, necnon Prouinciał Ducatus B. admiſſo & approbato, & teſtibus infraſcriptis G.G. de &c. vti Procurator ad infraſcripta plene, & ſuffi ient̃ conſtitutis magnifici D.Ro.M. Senatoris, Aldermanni & Ciuis Ciuit̃ L. vti apparet per mandatum Procuratorium ibidem originaliter exhibit̃ deſcript̃ in membrana ſignat̃ & ſigillat̃ vti apparet, p dictũ R.M. & rogatum, manu T.P. Notarij publici Londini, ſub die xvj. menſis Iunij vltime prẽteriti, de ann̄ p̃ſenti Milleſimo quingenteſimo octuageſimo nono, ſtilo Angl̃, & in ea qualitate ſponte et deliberate confeſſus eſt, & cõfitetur p has p̃ſentes, bene, fideliter, & titulo veri, iuſti, & legit̃ debit̃, debere magnifico D.Bartholemeo B. Patricio Ianuenſi il m̃ p̃ẽti & acceptanti ſummam &c. legalis monet̃ Ang', p valore eiuſdẽ ſummæ pro parte dicti Magiſtri D.R. ab eod̃ Creditore plene & integraliter habito

&

& conſecuto, ad ipſius D. comparentis nomine, & qualitate qua ſupra, plenariam ſatisfactionem: Renuncians ad hunc effectum exceptioni, non numeratę pecunię & quibuſcunq; appendicib' eiuſdem. Quam quidem ſummam &c. legalis monetæ Angliæ dictus G.G. procuratorio nomine quo ſupra, bene & fideliter ſoluere & ſatiſfacere promiſit & promittit p has p̄ſentes, pręd' Magiſtro D.B.B. vel actionem ſeu mandatū ſuū habenti in dicta Ciuitate Londinenſi, viz. medietatem p̄d ſummæ &c. quę aſcendit ad &c. dictæ monetæ Angliæ, die primo menſis Ianuarij proximo futuro poſt datum præſentium Reliquam vero medietatem quæ ad ſimilem ſummam &c. dictę monetę Angliæ, die primo &c. ſine aliqua contradictione aut mora: Aut alias (vltra predictam ſummam) dictus D.R.M. præfato Creditori ſoluere & ſatiſfacere tenebitur, omnia dampna, expenſa, & intereſſe, ob defectum dictę ſolutionis, & cuiuſlibet partis eiuſdem habita & paſſa, & ſeu habenda vel patienda. Et pro præmiſſorum plenaria obſeruatione dictus G.G. obligauit, & obligat per preſentes prefatum D.R.M. ſuum principalem ſuoſq; heredes, executores commiſſos, atq; omnia & ſingula ſua bona mobilia, & immobilia, preſentia & futura, tam vltra quam citra mare vbicunq; exiſtentia. Renuncians omnibus & ſingulis exceptionibus legibus & fauoribus incontrarium. Petens & conſentiens a me Notario ſupra premiſſa fieri inſtrumento & acta publica in omni meliori forma. Actum in ędibus mei Notarij in platea vocata &c. ſitis, preſentibus ibidem, A.B. & C.D. teſtibus ad p̄miſſa vocatis & rogatis. Et dictus Comparens ſubſignauit ſchædam procuratorio nomine vt ſupra. G.G.

Ego Notarius & Tabellio publicus ſupra, & infraſcriptus, per copia ex actis meis fideliter tranſſumpta & concordare reperta, hic me ſubſcripſi.

R. de B. Notarius publicus.

A Ceſſion or tranſport of a reſt of an Accompt due for Merchandizes.

AV Nom de Dieu Amen, L'an de la Natiuitie de noſtre Seignieur Dieu ſelon le cours & computation du pays d'Angleterre, Sect. 687.

terre, Mil cinq cent quatre vingtz & quatorze, & l'an du Regne de noſtre Sereniſſime Royne Elizabet a preſent regnant xxxvij. le dixieſme iour du moys de Feburier, Pardeuant moy A. B. Notaire & Tabellion publiq, par l'authorite de la dite ſereniſſime Royne admys & iuré, & en la preſence de teſmoignz deoſſubz nomez comparut en propre perſonne, Pierre L. Marchant demeurant en Londres, lequel pour aſſeuer a F.V. Marchant demeurant en Middlebourgh, de toutes debtes & ſommes des deniers par ledict Comparant audict F.V. deuez tant pour argent content & ioyaulx que autres marchandiſes; Renonceant en ce a toutes excepcions quelzconques, en la meilleure forme & maniere que de droit, couſtume, ou aultrement luy ſoit aucunement permis, librement & franchement, pour luy & ſes heires & executeurs, a cede & tranſporte, Cede & tranſporte par ceſtes librement & franchement audict F.V. (acceptant & reſcepuant) tout le droit, tiltre, & action, que le dit Comparant a, ou aulcunement a luy appartient, ou appartenir pourra intentee, contre Pierre Van G. Marchant demeurant en Amſterdam, a cauſe du reſte du compte procedant de Soixante drapz appellez **Deuonſhyre Kerſies**, Cent pieces de drapz appellez Nordres douzanies, Trent & deux pieces de drapz appelles Nordres Cariſees a larges liſtes, Vingt pieces de Cariſees appelles **Kettell whites**, & treize pieces de drapz de Nord appelles **Norden cloth**, montantz a la ſomme de onze cent quarte vingtz & onze liures & diz ſolz, de monoye de Flaunders, ſelon l'accompt & ſcedule eſcript & ſoubſcript de la mayn propre dudit Comparant, & a ces preſentz attache: Leſquelles Cariſees & drapz deſſus nommes, le dit Pierre Van G. a receu, come de biens propres dudit Comparant our luy en faire compe & ment come eſt iuſte. Conſtituant ledit Comparant le dit Francoys venant leſeul, veray, & legittime Maiſtre, droiturier, poſſeſſeur, & proprietarie de la dicte action, droit, & tiltre qu'il a, ou aucunement peult, ou purroyt auoyr contra le dit Pierre Van G. tant a cauſa diſditz Cariſee & drapz, & compte auantdit, come des deſpens, domaiges, & intereſtz, qu'en ſeront adiudgz ou recouurez; Le tout pour in faire vſer & diſpoſer come des propres byens dudict F.V. a luy apertenants, & a iuſte tiltre acquis, & ce autant largement come le dict Comparant faire pouuoyt

uoyt deuant la data de ce preſent tranſport, a la charge que le dict F.V. ayt a rendre compte, & reliqua audict Comparant de ſurplus que procedera dudict G. a cauſe que deſſus. Et le dit Comparant renounce par ceſtes touts exceptions, priuileges, & benefices, des droyts que luy pourroyent ſeruir ou valoir contee l'effect de ceſtes: Requerant & conſentant le dit Comparant de ce que deſſus par moy notayre ſuſdict eſtre expedie Inſtrument, vn ou pluſieurs en forme publicque. Ainſi faict & paſſe a la maiſon de moy Notayre ſuſdict en Londres, en la preſence de Hubert F. & A.B. teſmoings ad ce priez & requis, l'an & iour que deſſus. Et le dict Comparant en plus ample teſmoignage de tout ce que deſſus a ces preſens, a mys ſon ſeau & ſigne.

Et quia ego A. B. clericus ciuis ciuitatis Londini publicus, ſacra Regia authoritate Notarius atq; Tabellio admiſſus atque iuratus, præmiſsis omnibus & ſingulis dum ſic vt præmittitur, vna cum dictis teſtibus interfui, eaque ſic fieri, vidi, ſciui, & audiui: Igitur hoc Inſtrumentum confeci, ſignoque & nomine meis ſignaui rogatus, in fidem præmiſſorum.

A Pro-

A procuration by a Merchant to a Factor, to buy certaine kindes of Merchandize.

Sect. 663. IN Dei nomine Amen, Per hoc presens publicũ Instrumentum cunctis appareat, & sit notũ, Quod anno dñi (iuxta cursum & computac' Ecclesiæ Anglicanę, Millesimo quingentesimo nonagesimo quinto, annoq; regni serenissime in Xp̃o Principis & dominæ nostræ Elizabethæ Dei gratia Angl', Franc', & Hibern̄ reginæ fidei defensatricis &c. 37. mensis vero Marcij die 27. Coram me A. B. sacra Regia authoritate Notario atq; Tabellione publico admisso atq; iurato, testibusq; subscriptis, psonaliter constitutus comparuit, ꝑbus & honest' Mercator Iohēs D. Ciuis & Mercer' Londini, qui sponte, & sua certa scientia, omnibus quib' de Iure meliorib' & efficatioribus potuit, & potest, vijs & modis, fecit, constituit, creauit, nominauit, & solempniter ordinauit, ac p̃sentis publici Instrumenti tenore facit, constituit, creat, nominat, & ordinat, ꝑuidũ & discretũ iuuinem Anthoniũ F. de G. in dioces Colonienſi in Germania, licet absentem tanq̃ p̃sentẽ, eius verũ, certũ, legitimũ, & indubitatũ Procuratorem, actorẽ, factorẽ, & negotiorũ suor̃ infrascriptor̃, gestorem ac Nunciũ speciale & generale; Ita tamen q̃ generalitas specialitati non deroget, nec è contra, viz. specialiter & expresse ad ipsius constituentis vice et nomine, & pro eo emendũ, & titulo emptionis acquirend' Francofurti, ad mœnũ in Nundinis quę bis in anno ibm̃ celebrantur, oĩa Serica & mercimonia, alia q̃cunq; ꝑut dicto Procuratori videbitur & placebit, ab illo vel illis, & pro eo prætio vel prętijs, & sub illis formis & modis, & cũ illis cautelis, ꝑut & sicut dicto Procuratori pro maximo commod' dicti constituẽtis videbitur & placebit, Præciũq; conuentũ, seu prętia conuenta ꝑ dictis mercib' soluẽd' & numerandũ, seu ad quemcunq;, seu quoscunq; terminos ꝑmittendũ. Ac insup̃ ad vendendũ, alienandũ, & cambiand' oĩa bona & merces, tam presentia quam futura dicti Constituentis in Germaniam transmissa, seu transmittanda, cui, & quibus, & pro illo prætio, & prætijs, prout & sicut dicto Procuratori videbitur & placebit. Necnon ad petendum, exigendum, & recipiendum omnia & singula, & quæcunque bona, iura, & res dicto Constituenti, à quibuscunque personis in partibus Germaniæ degentibus debita, siue spectantia, aut impostcrium ex causa quacunque debenda, soluenda, seu satisdanda:

Et

Et generaliter ad omnia & ſingula alia faciendum & exercendum quæ ipſemet conſtituens facere poſſet ſi pręſens ꝑſonaliter intereſſet, etiã ſi talia forent quæ mandatum exigerent magis ſpeciale vel ꝑſentiã eius ꝑſonalẽ: Promittens inſuꝑ & conueniens dictus conſtituens mihi notario infraſcripto, vt publicè ꝑſonæ recipienti, & ſtipulanti, ꝑ omnib⁹ & ſingulis quorũ intereſt, interit, aut intereſſe poterit quomodolibet in futurum, ſe ratũ, gratũ atq; firmum ꝑpetuo habiturũ, totũ & quicquid ꝑd̃ eius ꝑcuratorẽ in præmiſſis, actũ, factũ, geſtũ, procuratumue fuerit; Releuanſq; & releuare volens idẽ conſtituens dict̃ ſuũ ꝑcuratorẽ ab omni onere ſatiſdandi, & damni in hac ꝑte. Promiſit inſuꝑ mihi notario antedicto, & infraſcript̃ vt ꝑfertur recipienti & ſtipulanti, ſe dict̃ conſtituent̃ tempore & temporibus congruis & debitis fideliṫ cuicũq; & quibuſcunq; creditori & creditorib⁹ ꝑſolutur̃, oĩa debit̃ & pecuniar̃ ſummas ꝑ dict̃ mercibus pro & in nomine dict̃ conſtituentis ementis ſoluenda ſiue debenda, ſub hypotheca & obligatione ſui ſuorumq; hær̃ & execut̃, & bonorũ oĩum & ſingulor̃ ꝑſentiũ & futuror̃, ac ſub omni iuris & facti renunciatione ad hæc neceſſaria pariter & cautela, actum Londoñ in ædibus mei dicti notarij in vico vocato L. ſitis, præſentibus tunc ibm̃ A.B. & C.D. teſtibus, ad præmiſſa vocatis, atq; rogatis, ann̄ die & menſe ſupradictis. Et in maiorẽ fidẽ ꝑmiſſorũ dictus conſtituens ꝑſentibus ſigill̃ ſuum, & manus ſuæ ſubſcriptionẽ appoſuit.

Et quia ego A.B. &c.

A couenant by a Factor to returne Merchandizes brought for the conſtitutor from parts beyond the ſeas, and to make a faithfull accompt.

IN Dei nomine Amen. Per hoc pręſens publicum inſtrument̃ cunctis appareat ſit & notum, Quod cum probus et honeſtus Mercator Iohannes M. ciuis et M. Londini, per literas ſuas procuratorias, datas nono die Martij anno Domini 1594. fecerit et conſtituer̃ Anthonium H. de G. in diocæci Colonienſi in Germania ꝑcurator̃ ſuũ generalem ad negotia ſua omnia facienda Francofurti ad Mænum in nundinis ibm̃ bis annuatim celebrandis, vti per eaſdem literas plenius appareat. Dictus modo Anthonius die menſe & ann̄ in calce præſentis inſtrumenti conſcriptis, coram me A. B. notario &c. teſtibuſque infraſcriptis comparuit, ac omnibus melioribus vijs & modis quibus Sect. 669.

potuit aut poteſt, promiſit mihi Notario pub. antedict̃ recipienti & ſtipulenti pro dicto Iohanne M. ſe dictum comparentem ſingulis de hinc Nundinis Francofurtenſibus, quamdiu actor factorue negotiorũ dicti Ioh. fuerit eidẽ Ioh. Londoñ in Angl̃ tranſmiſſurum, non ſolum Merces omnes quaſcunq; vice & nomine dicti Ioh. M. & pro eo emendas, ſed etiam verum, iuſtum, & fidelem computum et calcul̃ omnium et ſingulor̃ negotior̃ per eundem cõparentem pro dicto Iohanne M. attorn̄ et agendorũ abſque omni fraude vel dolo malo quocunque: Et hoc ſub hypotheca & obligatione ſui eiuſdem comparentis, ſuorumq; hæredũ & bonorũ omnium & ſingulor̃ prẽſentium et futurorũ, ac ſub omni iuris & facti renunciatione ad hæc neceſſaria pariter et cautela. In quorũ fidem et teſtimonium &c.

A procuration to recouer and receiue all Debts owing by a certaine perſon.

Sect. 670. IN Dei nomine Amen, Per hoc prẽſens publicum inſtrument̃ cunctis appareat et ſit notum, Quod anno domini 1595. annoq; regni ſereniſſimę in Chriſto principis dñę noſtræ Eliz. dei gratia Angliæ, Franc̃, et Hiberniæ reginæ fidei defenſoris &c. xxxvij. menſis vero Maij die decimo quinto, coram me A.B. ſacr̃ regia authoritate Notario atq; tabellion̄ pub. admiſſo atq; iurato, teſtibuſque ſubſcriptis p̃ſonaliter cõſtituti, comparuerunt ꝓbi et honeſti mercatores Ioh. B. ciuis et Piſcenarius Londini, et Arthur̃ S. ciuis et Grocer̃ Londini, qui ſponte et ſuis certis ſcientijs, omnibus quibus de iure melioribus, et efficatioribꝰ potuerunt, et poſſunt vijs et modis, fecerunt, conſtituerunt, creauerũt, nominauerunt, & ſolemniter ordinauerunt, ac præſentis publici inſtrum̃ti tenore faciunt, conſtituunt, creãt, nominant, et ordinant, et eorũ vterque facit, conſtituit, creat, nominat, et ordinat, probum & honeſtum mercatorem Guilielmum E. in partibus Hollandiæ reſidentem (licet abſentem tanquam prẽſentem) eius & eorum verum, certum, legitimum, et indubitatum procuratorem, actorem, factorem, et negotiorum ſuorum infraſcriptorum geſtorem, ac Nuncium ſpecialem et generalem. Ita tamen quod generalitas ſpecialitati non deroget, nec ècontra, videlicet, ſpecialiter et expreſſè ad ipſorum conſtituentium et eorum vtriuſque nominibus et nomine, et pro eis et eorum vtroque petendum, exigendum, leuandum, recuperandum, recipiendum, et habendum de Thoma P. mercatore Londinenſe, vel de et in

bonis

bonis et rebus ſuis cuiuſcunque ſint generis, ſiue qualitatis, et in quorumuis manibus inueniri poterint, quocunque nomine ſiue additione nominis idem Thomas P. vocatur ſiue appellatur, omnes et ſingulas pecuniarum ſummas et quantitates eiſdem conſtituentibus ſiue eorum alteri debitas, competentes, et competituras, tam vigore quarumuis ſchedularum, obligationum, computorum, & ſcripturꝝ publicarũ, vel priuatarꝝ, quam etiam ſine; Et dictum Thom̃ P. tam et pro corporis, quam bonorꝝ arreſtationꝫ et ſequeſtrationꝫ, ſeiſamenta ad ſolutionem et ſatisfactionem faciendum, compellendum, & conſtringendꝫ, et cum tempus fuerit remittendꝫ et relaxandꝫ, ac remitti et relaxari mandandum; Et de receptis, recuperatis, et habitis quietandum, liberandum, et abſoluendum, cum pacto ſolemni et expreſſo rem ſemel habitam vlterius imperpetuum non petendum; Et ſi neceſſe fuerit pro præmiſſis, omnibus & ſingulis coram quibuſcunque Dominis, Iudicibus, Maioribus, Burgi Magiſtris, Scabinis, conſularibus, & aliis, Iuſticiarijs ſiue Commiſſarijs, tam ordinarijs, quam extraordinarijs, ac cæteris juſtitiæ miniſtris, tam eccleſiaſticis quam ſecularibus, quacunque authoritate fungentibus & functuris comparendum, agendum, et experiendꝫ: Dictoſque conſtituentes, & eorum jura in omnibus & per omnia defendendꝫ: Quaſcunque prouiſiones & juris auxilia, arreſtꝫ, ſequeſtrꝫ, detentiones perſonarum & bonorum, & quæuis alia impetrandum & obtinendum: libellos, poſitiones, & capitula dandum, datiſquè reſpondendꝫ: domicilium eligendꝫ: Litem & lites conteſtandꝫ: De calumnia vitanda & quoduis alterius generis licitum iuramentꝫ in animam ipſorũ conſtituentium ſiue eorũ alterius præſtandum, & ex aduerſo præſtari videndum: Sententias & acta quælibet fieri faciendꝫ & exequendꝫ: Expenſa, dampna, & intereſſe petendꝫ, & taxari faciendum, proteſtandum, ſententiandꝫ, appellandꝫ, & appellationes proſequendꝫ: Deniquè cum eo concordandꝫ, concludendum, & paciſcendum: Et inſuper omnia alia acta Iudicialia, & extra Iudicialia faciendum, quæ merita cauſarum iuris ordo, & facti qualitas exigunt & requirunt: vnum quoque vel plures Procuratorem vel Procuratores loco eius cum ſimili aut limitata poteſtate ſubſtituendum: Eumquè vel eos reuocandum, prout ipſo Procuratori melius videbitur & placebit: Et generaliter ad omnia & ſingula alia faciendum quæ ipſimet conſtituentes, ſeu eorum alter facere poſſent ſeu poſſet, ſi præſentes ſiue præſens perſonaliter intereſſent, ſiue intereſſet, etiam ſi talia forent quæ mandatum exigerent magis ſpeciale, vel præſentiam eius perſonalem: Promittens dicti conſtituentes & eorum vterque promittens

mihi dicto Notario, vt publicæ ꝑsonæ stipulanti & recipienti, se & eor̃ vtrũq; ratum, gratũ, validũ, atq; firmum perpetuo habituros & habituꝝ, quicquid ꝑ dict̃ ꝓcuratorẽ in ꝑmissis, actum, gestꝝ, ꝓcuramentumue fuit, sub hypotheca & obligatiõ oĩum & singulor̃ bonorũ suor̃ mobiliũ & immobiliũ ꝑsentiũ & futurorũ, ac sub omni iuris & facti renunciatione ad hæc necessaria, pariter, & cautela: Actũ Londini in ædib⁹ mei dicti Notarij in &c. sitis, ꝑsentib⁹ tunc ibm̃ A.B. & C.D. testibus ad ꝑmissa vocatis atq; rogatis, añ, die, & mense supradict̃. Et in maior̃ fidem ꝑmissor̃, dict̃ Constituentes ꝑsentib⁹ sigillꝝ sua, & manuũ suarũ subscriptiones apposuerunt.

Et quia &c.

A Procuration for recouerie of a debt vpon an Obligation, in the parts beyond the Seas.

Sect. 671. IN Dei nomine Amen, Per hoc ꝑsens publicũ instrum̃t cunctis appareat & sit notũ, Qd̃ añ dñi 1596. anno q; regni serenissimæ in Chr̃isto principis & dñæ nr̃æ Eliz. Dei gratia Angl̃, Franc', & Hiber̃ regiñ fidei defens. &c. 39. mẽsis vero Febr̃ die 26. corã me A.B. sacr̃ regia authoritate notario atq; tabellion̄ pub. admisso atq; iurato, testibusque subscriptis ꝑsonaliꝫ constitut⁹, comparuit ꝓbus & discreꝫ vir Hugo M ciuis & Aurifaber Londini, habens in manu quand̃ obligation̄ conditionalẽ in ꝑgameno scriptã, integr̃, sanã, incancellat̃, omniq; fraudis suspitione carentẽ, ac sigillatã (& manibus Arthuri S. nup ciuis & Groceꝝ Lond̃, & Ioh. S. nup ciuis & Textoris Lond̃ subscript̃, subsequent̃ Tenoris) viz.

NOuerint vniuersi ꝑ ꝑsent̃ nos Arthur̃ S. ciuẽ & Groceꝝ Lõdon̄, & I S. ciuẽ & Weauer Lond̃, teneꝝ & firmiꝫ obligar̃ Hugoni M. ciui & Aurifabro Lond̃, in 30. l̃. bonæ & legal̃ moneꝫ Angl̃, soluend̃ eid̃ Hugoni M. aut suo certo atturñ, execut̃, vel administr̃ suis. Ad q̃ quid̃ solution̄ benè & fideliꝫ faciend̃, obligamus nos & vtrũq; nr̃um, ꝑ se ꝓ toto & insolid̃, hær̃, execut̃, & administr̃ nr̃os firmiꝫ ꝑ ꝑsent̃. Sigill̃ nr̃is sigillat̃, dat̃ 10. die Nouẽb. añ regni dñæ nostr̃ Eliz. Dei gratia Angliæ, Franc', & Hiber̃ Regiñ fidei defens. &c. Triceſimo octauo.

The Condition of this Obligation is such, that if the within bounden Arthur S. and John S. or either of them, or the executors,

tors, adminiſtrators, or aſſignes of them, or any of them, doe well and truely content and pay, or cauſe to bee payed vnto the within named Hugh M. his executors or aſſignes, the ſumme of one hundred and thirtie pounds of lawfull money of England, in, or vpon the twentieth day of November, which ſhall bee in the yeare of our Lord God 1596. at the now dwelling houſe of the ſaid H. M. ſcituate and being in London: That then this Obligation to be void and of none effect: Or elſe to ſtand and remaine in full ſtrength and vertue. Subſcripto autem erat. By me A. B. Et præter hæc ſubſcriptum fuit. Sigillauit & deliberauit in p̃ſentia A.B. C. D. &c. Qui quidem Hugo M. ſponte et ſua certa ſcientia, omnibus quibus de iure melioribus et efficacioribus potuit et poſſit vijs & modis, fecit, conſtituit, creauit, nominauit, & ſolemniter ordinauit, ac p̃ſentis pub. inſtrumti tenor facit, cõſtituit, creat, nominat. & ordinat, probum et honeſtum Mercator Nicholaum de Wilt in partibus Holland reſident, licet abſentem tanquam præſentem eius verum, certum, legitimum, et indubitarũ. Procurator, Auctor, Fact' & negotior ſuorũ infraſcriptorum geſtorem ac Nnucium ſpecialẽ, & generallem, Ita tamẽ quod generalitas ſpecialitati non deroget, nec è contra, videlicet, ſpecialiter, et expreſſè ad ipſius conſtituentis nomin, & pro eo petend, exigend, leuand, recuperand, recipiend, & habend, de præfat Arthuro S. & Ioh. S. & eorũ vtroque, vel de et bonis & rebus eorum, et eorum vtriuſque cuiuſcunque ſint generis ſiue qualitatis, &, in quorumuis manibus inueniri poterint (quibuſcunque nominib⁹ ſiue additionibus, ſeu quocunque nomine ſiue additione, ijdem Arthur & Ioh. vocant ſiue appellant) omnes & ſingulas pecuniarũ ſummas & quantitates, eidem Conſtituenti debitas, cõpetentes, & comp tituras, vigore Obligationis ſupradict', ſiue aliter. Et dictos Arthur S. & Ioh. S. ſeu eorũ alter, tam p corporis ſeu corpor, quam bonor arreſtation, ſequeſtration, ſeiſiamenta, ad ſolutionem & ſatisfactionem faciend, compellandu m, & conſtringend: Et cum tempus fuerit remittend, & relaxand, ac remitti & relaxari mandand': Et de receptis, recuperatis, & habitis, quietand, liberand, & abſoluendum, cum pacto ſolemni & expreſſo rem ſemel habitam vlteri⁹ imperpetuum non petendum: Et ſi neceſſe fuerit pro p̃miſſis omnibus & ſingulis coram quibuſcunque domin, Iudicibus, Maioribus, Burgi Magiſtris, Scabinis, Conſularibus, et alijs Iuſticiarijs ſiue Commiſſarijs, tam ordinarijs, quam extraordinarijs, ac cæteris Iuſticię miniſtris, tam Eccleſiaſticis quam ſecularibus, quacunque authoritate fungentibus & functuris comparendum, agendum, et experiendum: Dictumque Conſtituentem, & illius iura in omnibus & per omnia defendendum:

Quaſcunque prouiſiones & iuris auxilia, arreſti, ſequeſtri, detentiones perſonarum & bonorum, & quæuis alia, impetrandum & obtinendum: libellos, poſitiones, & capitula dandum, datiſque reſpondendum: Litem & lites contеſtandum: De calumpnia vitanda, & quoduis alterius generis licitum iuramentum in animam ipſius Conſtituentis præſtandum, & ex aduerſo præſtari videndum: Sententias & acta quælibet fieri faciendum & exequendum: Expenſa, damna, & intereſſe petendum, & taxari faciendum, proteſtandum, ſententiandum, appellandum, & appellationes, proſequend: Denique cum eis ſeu eorum altero concordand, concludendum, & pacificendum: Et inſuper omnia alia acta Iudicialia, & extra Iudicialia faciendum, quæ merita cauſarum, iuris ordo, & facti qualitas exigunt & requirunt: vnum quoque vel plures Procuratorem vel Procuratores loco eius cum ſimili aut limitata poteſtate ſubſtituendum: Eumque vel eos reuocandum, prout ipſi procuratori melius videbitur & placebit: Et generaliter ad omnia & ſingula alia faciendum quæ ipſemet Conſtituens facere poſſet ſi præſens perſonaliter intereſſet, etiam ſi talia forent quæ mandatum exigerent magis ſpeciale, vel præſentiam eius perſonalem: Promittens dictus Conſtituens mihi dicto Notario vt publicæ perſonæ ſtipulanti & recipienti, ſe ratum, gratum, validum, ac firmum perpetuo habiturum, quicquid per dictum Procuratorem in premiſſis actum, geſtum, procuratumue fuerit, ſub hypotheca & Obligatiõ omnium & ſingulorum bonorum ſuorum mobilium & immobilium præſentium & futurorum, ac ſub omni iuris & facti renunciatioue ad hæc neceſſaria pariter & cautela; Rogans per me Notarium antedict ſibi inde confieri Inſtrumentum vnum vel plura. Actum Londini in ædibus mei dicti Notarij in &c. ſitis, preſentibus tunc ibidem A.B.& C.D. Teſtibus ad premiſſa vocatis atque rogatis, annis, die, & menſe ſupradictis: Et in maiorem fidem præmiſſorum dictus Conſtituens præſentibus ſigillum ſuum & manus ſuæ ſubſcriptionem appoſuit.

A certificat of depoſitions of witneſſes vnder ſeale of a Citie: Alſo a Procuration annexed.

Sect. 672. VNiuerſis & ſingulis Chriſti fidelib⁹ pſentes literas viſuris, lecturis, vel audituris, Iohannes B. Eques auratus, Maior ſiue Præfectus celeberrimæ ciuitatis Londini in Anglia, eiuſdemque Ciuitatis Aldermanni

dermanni ſiue Senatores, ſalutem in domino ſempiternam. Nouerit Vniuerſitas veſtra, quòd die in calce præſentium retroſcripta, coram nobis perſonaliter comparuerunt & præſentes fuerunt, probi & honeſti viri, Iohannes S. Burgenſis prædictæ Ciuitatis Londini, annum xxix. agens vel circiter, nuper Miniſter & Actor negotiorum I. E. Mercatoris Londinenſis, & G. S. xxviij. annum agens vel circiter, Miniſter & Actor negotiorum Gulielmi E. probi & honeſti viri, & inſignis Mercatoris prædictæ Ciuitatis Londini; Qui neque metu, dolo, fauore, precibus, ira, inuidia, odio, malitia, nec aliqua alia ſiniſtra machinatione circumuenti nec ſeducti (vt coram nobis confeſſi ſunt & recognouerunt) ſed ex eorum proprijs & ſpontaneis voluntatibus, & vt veritas in hac parte omnibus euidenter pateat, ac requiſiti exiſtentes per prędictum G. E. ad veritatem in ea parte dicendam & proferendam, per & ſuper eorum iuramenta modo conſueto præſtita, ad ſancta Dei Euangelia eorum manibus dextris primitus tacta, dixerunt, depoſuerunt, declarauerunt, & certificauerunt vt ſequitur, videlicet: Præfatus I. S. in virtute Inſtrumenti eius prædicti dixit, depoſuit, declarauit, & certificauit; Quod ipſe in Ciuitate Hamburgi in partibus tranſmarinis reſidens in anno domini 1576. Menſe Maij, tunc & ibidem poſſidens omnia & ſingula illa bona & merces quæ inſcribuntur & exprimuntur in quadam ſchædula præſentibus literis annexa, pro ſe & in nomine ſuo ſtipulans, vt de bonis ſuis proprijs, pro ſummâ 420. libr̃ monetæ Flandriæ ſibi per præfatum G. S. in nomine prędicti G. E. adtunc ſolut̃, vendidit, tradidit, & liberauit abſolutè & bona fide prædict' G. S. in eadem ciuitate Hamburgi prædicto menſe Maij, anno ſupradicto, pro vice & in nomine prædicti G. E. recipientis & ſtipulantis omnia prædicta bona & merces, ad vſum eiuſdem G. E. Et prædictus G. S. ſimiliter in virtute iuramenti eius prędicti dixit &c. quòd ipſe in prædicta Ciuitate Hamburgi prædicto menſe Maij prædicto anno 1576. pro vice & nomine prædicti G. E. ſtipulans & recipiens, emit & recepit ad vſum ipſius G. E. de prędenominato I. S. prædicta bona et merces pro prædicta ſumma 420. libr̃, quam tunc & ibidem de bonis eiuſdem G. E. eidem I. S. tradidit & perſoluit. Et quòd viceſimo ſexto die ſupradicti menſis Maij, anno prędicto vel circiter, eadem bona & merces (duobus ſaccu|is calculorum exceptis) onerata fuere in portu, ſiue iuxta portum Hamburgi prædict', in quibuſdam nauibus Anglicis per præfatum G. S. pro & in nomine, & ad vſum dicti G. E. ſignata cum ſigno eius vſuali hic in margine conſcripto, & de eiſdem Nauibus poſtea

ablata fuere per quoſdam adtunc homines dicto G. S. ignotos, antequam Naues illæ de portu & juriſdictione Hamburgi prædict' ſolut & liber fuerunt. Et inſuper nouerit vniuerſitas veſtra, quod dicto die in calce præſentium retroſcripto, coram nobis perſonaliter comparuit, & præſens fuit prænominatus G. E. qui ſponte & deliberatè, ac certa ſcientia ſua, omnibus melioribus via, modo, jure, & forma, quibus magis melius & validius potuit, & poteſt, fecit, conſtituit, creauit, nominauit, deputauit, & ſolempniter ordinauit, dilectos ſibi in Chriſto prouidos & diſcretos viros, I. S. Mercatorem Angliæ H. commorantem, & G. T. de prædicta Ciuitate Londini Mercatorem, licet abſentes tanquam præſentes, ſuos, veros, certos, legitimos, & indubitatos procuratores, auctores, actores, & negotiorum ſuorum infraſcriptorum geſtores ac nuncios generales & ſpeciales, conjunctim & diuiſim, & vtrumque eorum, per ſe & in ſolido: Ita tamen quod generalitas ſpecialitati non deroget, nec è contra, Et ita quod non ſit melior conditio occupantis, nec deterior ſubſequentis, ſed quod vnus eorum inceperit id quilibet eorum liberè proſequi valeat, mediare, finire, & determinare, ac ad effectum producere, viz. ſpecialitèr & expreſſè in nomine & vice ipſius Conſtituentis, ad petendum, exigendum, leuandum, recipiendum, recuperandum, & habendum, ac habuiſſe & recepiſſe confitendum: in judicio & extra, tam in prædicta ciuitate H. quam in quacunque alia Ciuitate, & in quibuſcunque alijs locis & partibus tranſmarinis, à quocunque & quibuſcunque homine & hominibus, loco, corpore communi, collegio, ſocietate, populo, & vniuerſitate eccleſiaſticis & ſecularibus, ac de, & in bonis quorumcunque, & in quacunque re, omnia & ſingula prædicta bona & merces memorata in prædicta ſcædula præſentibus annexa, Ac omnes, ſingulas, & quaſcunque ſummas, & quantitates denariorum, pecuniarum, ſummarum, debitorum, rerum, mercium, & bonorum quorumcunque ſibi dicto Conſtituenti in partibus tranſmarinis qualitercunque debita ac ſpectant, ac ipſius Conſtituentis vice & nomine, & pro eo, omnia & omnimoda cauſam, actionem, querelas, petitiones, proceſſus, & demanda quæcunque pro præmiſſis, & eorum quolibet, coram quibuſcunque Iudicibus vel Iuſticiarijs quacunque auctoritate fungentibus, ad proſequendum, implacitandum, agendum, producendum, exequendum, defendendum, excipiendum, & recipiendum: Libellum ſeu libellos, & quaſcunque alias petitiones dandum & afferrendum: Iuramentum de calumpnia & de veritate dicenda, ac quodlibet aliud genus liciti ſacramenti in animam ipſius Conſtituentis,

præſtan-

præſtandum, ponendum, & articulandum: poſitionibus aduerſæ ptis reſpond: Teſtes, lras, inſtrumta, & alia q̃cunq; probatiõ genera producend & exhibend, ac producta et exhibita ex aduerſa parte reproband, et impugnand, in cauſa ſeu cauſis concludend: ſententias tã definitiuas quã interlocutorias audiend & fieri petend, ac defectiuas opponendum & obijciend, obiectiſque reſpondend: damna, expenſa, & intereſſe quolibet petend et recipiend, Iudicis officiũ implorand, et à ſententijs prædict et eãr qualibet grauamine quocunq; prouocandum et appelland: prouocationes et appellationes ipſas proſequendum et inſinuandum, et ipſas ſi libuerit renunciandum. Et de receptis et recuperatis, et ſuper fine et cõcordia, acquietancias licitas & opportunas dãdũ, concedend, et liberandum: et generaliter in præmiſſ. et eorum quolibet, oĩa et ſingula agendũ et procurand, exercend, dicend, gerend, cõtinuand, finiend, et exequend, quæ circa præmiſſa, et quodlibet p̃miſſor̃ neceſſaria fuerint, et quomodolibet opportuna, ſiue de eiſdem depẽdẽtia annexa aut vtilia: Licet talia forent q̃ mandat̃ exigerẽt magis ſpeciale, quam pręſentib⁹ expreſſum. Vnum etiã ſiue plures procuratorem ſiue procuratores ſimilem ſiue limitatam poteſtatẽ habentes eorũ locis ſubſtituendum, et coſdem reuocandum. Promittens dictus Conſtituens, ſe ratum et grãtum, firmum et ſtabile habiturum, totum et quicquid per Atturnatos et procuratores ſuos p̃dictos, vel eorum aliquem, aut p eorum, vel alicuius eorum ſubſtitutos, actum, factum, geſtum, petitum procuratum, aut quomodolibet adminiſtratũ fuerit in pręmiſſis, aut aliquo pręmiſſorum, ita effectualiter ſicut ipſemet Conſtituens pręſens et perſonaliter intereſſet. In quorum omnium et ſingulorum fidem et teſtimoniũ, nos pręfati Maior et Aldermanni, Sigillum officii noſtri Maioratus pręſentibus apponi fecimus. Prędictuſque Conſtituens in maiorem euidentiam approbationis et conſenſus ſui poteſtati prędict̃ ſic vt prefertur factæ, Sigillum ſuum pręſentibus appoſuit, Datum Lond̃ nono die Septembris, anno Domini &c. annoque regni Reginę Elizabethę &c.

A Conſtitution by Merchants, of a Factor to deale generally for them.

IN Dei nomine Amen, Vniuerſis Iudicibus, Gubernatoribus, ac iuſticiæ diſpenſatoribus, tam per mare quam per terras in omnibus Regnis, ditionibus, et jurisdictionibus quibuſcunque, T. S. & R. S. Sect. 673.

inclitæ

inclitę Ciuitat̃ Londoñ regni Angl̃ Mercatores, Salut̃, Nouerit vniuersitas vestra, nos p̃d C. & S. pro nobis, nominibus, & vicibus nostris, cõstituisse, deputasse, ordinasse, & harum literarum serie declarasse, E.L. nostrũ verũ, certum, legitimũ, general̃ ac special̃ Nunciũ, factorem, procuratorem, et nr̃um negotiorum omnium et singulorũ quorumcũq; actorem, prout dicto E. & Substitutis suis quibuscunq; de tẽpore in tẽp̃ opportunum videbitur, sic tamen in omnibus vt generalitas specialit̃, & specialitas general̃ nihil deroget: Dantes & p̃sentes concedentes dicto Procurat̃ nostro, ac Substitutis suis quibuscunque totam & integram potestatem & authoritatem nostras in p̃missis, ac omnibus & singulis rebus, negotia nr̃a tangentibus agendi, dicendi, procurandi allegandi, negandi, confitendi, allocandi, & recusandi, quicquid sibi in eisd̃ vel in eorum aliquo videbitur necessariũ & vtile, in oĩbus locis iudicij & iusticiæ, et coram Iudicibus quibuscunq;: Necnon Aduocator̃, Procuratores, Legisque peritos, ad p̃dicta negotia nostra conducendi, & p̃ nobis et nominibus nostris p̃ducendi testes & testimonia quæcunq; ad causas nostras ritè & legitimè prouocandas & tuendas, & alia omnia et singula quæ in p̃missis, vel eorum aliquo possint cadere opportuna, p̃ nobis & nominibus nostris exigendi, p̃ficiendi, & totalit̃ finiendi, p̃ut nosmetipsi potuerimus, si ibidem p̃sentes personaliter essemus. Rata & grata, firmaq; et stabilia habentes & habituri, totum & quicquid dictus Procurator noster fecerit, seu fieri procurauerit in p̃dictis negotijs nr̃, vel eorũ aliquo, seu in aliquibus circumstantiis aut ceremoniis, eadem vel eorũ aliqua tangentibus. In cuius rei &c.

A Substitution by him to whom a Procuration is made.

Sect. 674. ANno à Natiuitate Domini nostri Iesu Christi, Millesimo quingẽtesimo &c. vicesimo die mensis Decemb, Coram me A.B. Notar̃ &c. ac testibus &c. præsens et personaliter Constitutus comparuit T. W. Londinensis Procurator procuratorio nomine constitutus p̃ egregiũ virũ A.B. de &c. ad substituẽdũ, et quam plurima alia faciend̃, p̃curand̃ muque, prout & sicut in quodam mandato mihi Notario p̃ p̃fat̃ Th. W. ostens. cõtinet̃, subsequẽt̃ tenor̃. In Dei noĩe Amen &c. *(reciting the Procuration verbatim)* qui quidẽ T, W. vigore dicti sui mãdati, et oĩ meliori modo, via, iure, et forma, quo, qua, et quib⁹ magis et melius poterit, et ei licuit, substit̃, et loco sui ipsi⁹ posuit p̃bos, necnon discertos viros

viros A.B.et C.D.mercatores Middleburgenſes,licet abſentes tanquã ꝑſentes,ad ea oĩa et ſingula faciend̃, ꝓcurãdumq; quæ ipſemet Conſtituens vigore dicti ſui mandati facere poteſt,in ſeipſo nihilominus reſeruando et retinendo principali mandato antedicto. Rogans per me Notarium &c. actum &c.

A Reuocation of a former Procuration.

VNiuerſis & ſingulis &c. Tho.R.ſaluẽ. Nouerit vniuerſitas veſtra, Sect.675.
q̃ die in calce ꝑſentiũ retroſcripto,oĩbus meliorib⁹ vijs, modo et forma,quibus potuit et poteſt, reuocauit et reuocat, omnimodã poteſtatẽ et authoritatẽ ꝑ ipſum Th.R. ꝑantea conceſſas ſiue datas cuidã I G.mercatori,ad ꝓſequend̃, agend̃,ſeu exequend̃, aliqua negotia dicti Th.R.Ita q̃ dictus I.G.poſt hac nullã pecuniarũ ſummã, bona, ſeu aliliqua alia recuperata, recuperanda,ſeu recipienda,et ad dict̃ Th.R.ſeu eius iura qualit̃cũq; debentia ſiue ſpectantia,recipeat ſeu habeat, nec ali q̃ concordiã aut acquietantiã,ꝑmiſſa ſeu eorum aliquid concernentem faciat,deliberet,vel concedat,ſeu aliquid aliud vigore prædict̃ poteſtatis,ſiue authoritatis,faciat,agat, ꝑficiat, ſeu exequi poſſet quomodolibet. In quorum oĩum et ſingulor̃ fidem, et teſtimonium &c.

FINIS.

B

THE SECOND PART OF SYMBOLEOGRAPHY,

Newly corrected and amended,

and verie much enlarged in all the foure ſeuerall Treatiſes.

1 Of Fines and Concords.
2 Of Common Recoueries.
3 Of Offences and Indictments.
4 Of Compromiſes and Arbitrements.

Whereunto is annexed another Treatiſe of Equitie: *the Juriſdiction, and proceedings of the high Court of Chan*cerie; of Supplications, Bils, and Anſweres; and of certaine Writs and Commiſſions iſſuing thence, and there alſo returnable: Likewiſe much augmented with diuers Pre*ſidents, for the ſame purpoſe, beginning at the* 144. Section, and continuing to the *end of Bils and Anſwers.*

With an addition of ſome neceſſarie Examplars to be *vſed in his Maieſties Court of Exchequer, Wards and* Liueries, and Starre-Chamber.

Hereunto is alſo added a Table for the more eaſie and readie finding of matters herein contained.

Ingenij cibus ſtudium, ſtudijque diligentia.

BIBLIOTHECA BODLEIANA

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Cum priuilegio.

35. f. 5 (2)

THE
SECOND PART OF
SYMBOLEOGRAPHY,
Newly corrected and amended,
and verie much enlarged in
all the Four Seuerall
Treatyes.

1. Of Pleas and Conords.
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turnable: Likewise much augmented with diuers Pre-
[illegible]

With an addition of some necessarie Exemplars to be
vsed in his Maiesties Court of Exchequer, Marshalsea
Lincolns, and Starre-Chamber.

Hereunto is also added a Table for the more ease
and readie finding of matters
herein contained.

LONDON
Printed for the Companie of
[illegible]

Viro Iurisprudentiæ & pietatis laude illustrissimo EDVVARDO COKE

Armigero, Serenissimæ Reginæ Maiestatis Procuratori summo W. WEST veram exoptat fœlicitatem.

QVum ijs fere omnibus, qui lucubrationes suas de aliquo disciplinæ genere in publicum proferunt, in mere positum esse videtur (vir illustrissime) vt in Epistolis suis nuncupatorijs duo potissimum sequantur: vnum, vt illum ipsum, cuius patrocinio nitj statuunt, dignis laudibus efferant; alterum, vt operas ipsas grato encomio afficiant: erunt fortasse nonnulli, qui idem a me faciendum arbitrabuntur; a quibus tamen ego longe diuersum sentio. Virumque enim vt vellem, maxime certe non possum: Nam ab hoc ingeniolo meo tenuitas, ab illo, pudor quidam ingenitus me remoratur. Et vero, si in laudes tuas excurrerem lanugo, vereor, vt & ipse hoc non paterere. Et ego, cum corporis, tum animi dotium, quas natura affatim in te quasi effudisse videtur, multitudine obrutus, neque quid præ ceteris dicendum, neque quomodo finis faciendus sit, facile reperire possem: siue de eximijs tuis nostri scientia, siue de singulari pietate in deum dixero, quas in te (vir ornatissime) ætas etiamnum integra, tam maturè nobis exhibuit, vt ad quasuis res præclaras gerendas, non factus sed natus esse videare. Quarum veluti suffragijs ad præclara munera tamandum euectus, alijsque etiam grandeuis, prælatus sis. Sed quicquid ipse de te dixero, dicturus illud sum tenuius minusque splendide, quam dici debuisset, & rei dignitas postularet. Itaque malui silere, ac singulares illas animi corporisque tui dotes suspicere quam nihil dicendo, infantiam meam prodere. De epistola autem mea gloriosius dicere nihil attinet. Illius enim argumentum eiusmodi est, vt nullius adeo commendatione magnopere egere videatur, quippe quod de ijs rebus tractat, quæ ad pacem & concordiam cum constituendam, tum restituendam, spectant maxime: siue enim tractatum primum de finibus: siue alterum illum de reuperationibus, quæ dicuntur, siue tertium de criminibus & accusationibus inde orirundis: siue postremum de compromissis & arbitrijs, contempleris, nihil ali-

ad animum quietem & tranquillitatem hanc nostram recreatus, spirare videntur omnia. Cum arbitrio, liberi cum superiore, servi cum domino componunt: fines & regiones dominia & proprietates firmant: accusationes, accentus, peccata deponunt: ut nocentes ipsi vel sanentur, vel remedio tollantur, ne iterum virus proximos quosque vel conficiat vel inficiat. Et certe haud scio, an pace quicquam angustius ad veram singulorum felicitatem excogitari poterit, illa nempe ratione nos cum conservis nostris ceteris accommodis abundamus, atque ex animi sententia succedunt omnia. At si dulcissima eius consuetudine privemur, eam ob vobis exules, sitim, fames, mala atque incommoda exponitis, vitam longe miseriam ducimus. Modum autem, quo hac tractari, laudare, meum non est. Quod si ipsum is vel modis est, qui tibi, aliisque bonis & doctis viris placeat, satis per se ipsum commendatus erit: sin minus, vana rei non probanda commendatio, ipsam laudabiliorem non efficiet. De animo autem meo, hoc tua pace libere effari libet, voluisse me prodesse quamplurimis, iis autem praecipue, qui prima iuris nostri tyrocinia exercent. Quod ut melius praestare possem, ista volui qualicunque methodo: cum profecto nulla mihi videatur dicendi ars alia nisi methodus, qua a prioribus natura, ad proxima, qua a notioribus, ad minus nota, qua a generalibus, ad species, quae a finitis, ad infinita, quaeque ita demum ab instituto aliquo genera ad media, tum definiendo, tum dividendo, transit, donec tandem in exemplorum infinitate consistat, quam quidem disponendi rationem tibi (vir ornatissime) non ingratam fore confido, cum omnes tuae disputationes, atque adeo dicta omnia, illamipsam suavissime semper spirare videantur. Te igitur horum Maecenatem rogo praegenuine & laudatissima illa tua in rem literariam, literatosque omnes promerendi promptitudine, & vera pacis amore singulari, acerimoque tuo in delicta odio, si alia reipublicae gravia negotia non impediant, hunc libellum cognoscere, suscipere ac tueri velis; quo mihi animos ad haec augenda & perpolienda & hys maiora alacriter aggredienda, addas. Te (vir intra consultissime) aeterna pacis author, eius nominis gloriam, ecclesiae commodum, & reipublicae tranquillitatem, quam diutissime servet incolumem. Ex aedibus meis Firbeckiensibus haud longe a Doncastria burgo, in agro Eboracensi, postridie calendas Maias; Anno salutis per Christi solius sanguinem restitutae. 1594.

Tibi deditissimus,

WILLIAM WEST.

SYMBOLEOGRAPHY,

Of Fines and Concords.

The definition of Fines.

A FOrasmuch as we haue already in our first part of Symboleography shewed the forme of diuerse Conditions and Couenants, as well for the leuying of Fines of Lands and Tenements, as also to rayse and limit the vses thereof: It now seemeth necessarie to shew the Notes of Writs of Couenants and Conquests for Fines, with other necessarie Circumstances concerning the same, are to be made. Wherefore let vs first learne what, and how worthy things Fines be. Sect. 1.

B Tremaile 21. E. 4. fol. 4. teacheth Fines, Couenants made before Iustices, and entred of Record.

C Browne saith, Fines be fructus, exitus, & finis effectus Legis, Plow. fol. 357.

D Glanuil in his eight Booke and fifth Chapter teacheth a Fine, Amicabilis compositio, & finalis concordia ex consensu & licentia dni Regis, vel eius Iusticiariorum. And Bracton tractatu quinto, Lib. 5. Cap. 28. Sect. 7, de Exceptionibus, saith, Finis ideo dicitur finalis concordia, quia imponit finem litibus, & est exceptio peremptoria.

E And Glanuil, Cap. 3. Lib. 9. saith, Talis concordia finalis dicitur, eo qd finem imponit negotio, adeo vt neutra pars litigantium ab eo de cætero poterit recedere.

F In which Bookes may be seene the ancient forme of leuying Fines, and their great antiquitie: for they be as ancient as any Court of Record, Plowd. fol. 357. a. 368. b. which without question were long before the Conquest.

G So that Fines hauing their commencement of Record long before the Conquest, euer since haue remained in great estimation, as appeareth by a Fine leuied before the Conquest, touching the possession of the Abbey of Crowland, and diuers other ancient Fines leuied before that time, yet extant, Plowd. 357. a. 368. b.

H But chiefely we are to consider their effects which be, to make certaintie and assurance to the parties concerning their estates in Lands and Tenements, and to end contention, and breed peace and securitie to all men.

Repeated by the Statute de Finibus 27. E. 1. Stat. 1. c. 1. wherein by these words, Quia fines in Curia nostra leuati finem litibus imponere debent, & imponunt: Ideo fines vocantur maxime cum post Duellum & magnam Assisam in suo casu vltimum locum finalem teneant imperpetuum: with which Statute agreeth Bracton tractatu 5. Lib. 5. c. 28. Sect. 7. de Exceptionibus.

And therefore by the ancient Law, Fine and Noneclaime by the space of a yeare and a day was a peremptorie bar to all men, which was abrogated by the Statute made 34. E. 3. c. 16.

Also at this day Fines be of great force, puissance and worthinesse: for being leuied and ingrossed with proclamations, according to the Statuts of 4. H. 7. c. 24. 1. R. 3. c. 7. 32. H. 8. c. 36. & 31. Eliz. Reg. c. 2. They are finall ends, and sufficiently conclude, bar and discharge for ever as well parties and privies, as estrangers to the same, except women couert (other then beene parties to the fines) and euery other person at the time of the leuying of the same fine being within the age of xxj. yeares, or in prison, or out of the Realme, or of vnsound mind, and not parties to such fines: Sauing vnto estrangers to such fines such right, title, claime and interest, as they haue to the tenements therein contained at the time of the ingrossing thereof: so that they pursue the same by action, or lawfull entrie within fiue yeres next after proclamations thereupon made according to the said Statutes: And saning to all other persons such action, right, title, claime and interest, in or to the tenements in such fines mentioned, as first shall grow, remain, descend or come to them after the said fine engrossed, and proclamations made, by force of any cause or matter had or made before the said fine leuied: so that they pursue their action, right, or title within fiue yeares next after that it is to them accrued.

By which authorities we gather, that fines are nothing else but Instruments of Record of agreements concerning lands, tenements, or hereditaments, duely made by the Kings consent & licence, and knowledged by the parties to the same vpon a Writ of Couenant, a Writ of Right, a Writ of Customes and Seruices, Warrantia chartæ thereof, or such like, before the Iustices of the Common Place, or others thereunto authorized, and ingrossed of Record in the same Court, to end all controuersies thereof both betweene themselues which be parties and privies to the same, and all estrangers not suing or claiming in due time.

20. Ass. p. 1.
26. Ass. p. 37.
Dyer fol. 179.
Plow. fol. 146.

These Fines destroy estates taile (other then such as be made by the King, the reuersion being in the King, 32. H. 8. c. 36. And other then fines of lands restrained from alienation by Act of Parliament, 32. H. 8. c. 36. Or leuied by an Intruder of lands seised into the Kings hands as by an heire which holdeth in Capite before Liuerie sued, 1. H. 7. c. 1.

For by the prerogatiue c. 13. by his entry, he gaineth no freehold,) and in time become perpetuall bars against all men, and strife, make peace, breed securitie and tranquilitie, which is the verie fruit, effect, and end of all godly Lawes.

Of the parties to fines.

Sect. 2. IN euerie fine two things are principally to be regarded, the persons and the action.

Persons chiefely regarded in fines be the parties to the fines, and the Iudges.

Parties to the fines be the Conisor and the Conisee, which are the efficient causes thereof.

The Conisor is he which doth knowledge the fine.

The Conisee is he to whom the fine is leuied.

In the parties three things are specially to be regarded: Their Capacities, Names, and Estates.

Touching the Capacitie of the Conisor, it is to be considered whether hee be a person able to leuie a fine or no: namely whether he bee void of all such impediments naturall and ciuill as may hinder him in doing thereof.

What persons may be Cognisors, and what not.

Sect. 3. ALl persons, male and female, may be Conisors, but such as are prohibited that to doe by nature or law.

By nature through defect of the mind or of the bodie, but no longer than such defect endureth.

This defect of the mind is either naturall or casuall.

Of Infancie.

Sect. 4. DEfects of the mind by nature, as by age, which is of Infants, that is, persons vnder the age of 21. yeares, as by Ideocy, which ought not to be Conisors, because the Law intendeth they want vnderstanding and discretion what to doe in this behalfe: Yet if a fine bee leuied by an Infant, it cannot be reuersed but by himselfe by writ of errour during his infancie, that the Court may see him, and thereby iudge his age, 50. E. 3. 5. 17. E. 3. 52. & 78.

Impediments of the minde casuall, are such as affect furious mad men, Lunatikes, Ideots, men hauing the Lethargie, whereunto may (as it seemeth) bee added doting old persons wanting discretion, men drunken, who ought not to be Conisors, for their fines are not reuersable, because the fine it selfe argueth their habilities: for the Law intendeth that Iudges will receiue no Conisances of such persons, 17. E. 3. 5. & 78. 17. ass. 17.

Defects of the bodie.

&c. 5. Defects of the bodie, be such infirmities thereof by which the principall sences necessarie for vnderstanding and to declare their consents are wanting: Of which sort be such as are blind, deafe, or dumb, naturally. A

But persons blind, deafe, or dumbe, accidentally may make cognisance if they can expresse their meaning by writing. B

Impediments legall or ciuill.

&c. 6. Legall impediments be when such persons be prohibited by Law as by nature are able to leuie fines. A

And they are either by reason of subiection or ioynt power. B

Of legall subiection.

&c. 7. Subiection legall is when persons be vnder the rule of others, as a feme couert to her husband, 2.H.5.9.E.3.28. A villein to his Lord 23.E.3. Persons ciuilly dead, as Friers, Nunnes, Monkes, Chanons professed, and other like superstitious votaries, who are in subiection to their Soueraignes, 14 H.8.16.2.K.2.5. A

Of couerture.

&c. 8. A feme therefore couert within age ought not to leuie a fine, for that she cannot reuerse it during the couerture, nor after, if the couerture continue till she be of full age, 50.E.3.5. 27.Ass. pla.53. A

And a feme couert ought not to leuie a fine but with her right husband, 7.H.4.23. 42.E.3.20. B

But a fine leuied by a feme couert without her husband of her owne lands wherein she hath fee simple, is an estoppell against her and her heires, if her husband auoyde it not by entrie, or otherwise, as hee may during his wiues life, and after her death during his owne life, as if hee be tenant by the Curtesie, 27.E.3.52. & 78. 17.Ass. 17. 7.H.4.23. But if liuing her first husband she take a second husband, and with him and by his name knowledge a fine, this fine shall not bind her, because she is misnamed, 7.H.4.22.&23. Yet if she with her right husband by a wrong Christian name leuie a fine, she is estopped during her life, 2.Ass. pla.11. Brooke Fines 17. C

A feme couert must beware how shee with her husband doe leuie a fine of her ioynture, least she thereby lose her dowry, Trin. 19. Eliz. Dyer fol. 350. pla. 49. D

Neither ought the husband without his wife to leuie any fine of her lands, for she and her heires may auoid it after his death, 32.H.8.c.28. 12.E.4.12. 42.E.3.20. E

Villeines.

Villeines.

AND Villeines by knowledging such fines should prejudice their Lords, thereby bereauing them of the lands alienes, for such fines be good. Sect. 9.

Persons dead in Law.

AND fines leuied by persons ciuily dead, are vtterly voyd. Sect. 10.

Imprisonment.

AND if men compelled by threatnings or imprisonment should be admitted to leuie fines, they should thereby be barred, because the law intendeth such persons are at liberty when they acknowledge fines, 17.E.3.52.78.17.Ass.17. Sect. 11.

Of persons having ioint power.

PErsons prohibited to be Cognisors by reason of ioint power, are they that haue ioint power & authority with others, as the single members of euery Corporation or Societie. As a Bishop without his Deane and Chapter, A Deane without his Capter, an Abbot or Prior without his Couent, A Parson, Vicar, Prebendary, or Chauntry priest without their Ordinary, A Mayor without his Cominaltie, Masters of Colledges without their fellowes, and of other Societies incorporate, may not leuy fines, Pl.375.b.11. El.f.538.a.20.El.21.E. 4.13.11.H.4.68.12.H.4.11.& 12.38.E.3.33. Sect. 12.

Of the estates of Cognisors.

ALbeit euery fine be good to bind the parties, yet for the validity of the fine, it is conuenient that either the cognisor or the cognisee be seised of the lands alienated, 41 E.3.14.22.H.6.13. Sect. 13.

For the fine is void if neither of the parties be seised at the leuying thereof, 41.E.3.14.33.H.6.18.3.H.6.27.27.H.8.4.& 20.37.H.6. 34.13.Ass.p.8.3 H.7.9.5.E.3.22.H 6.57.

Yet the vouchée after he hath entred into the warrantie, may leuy a fine vnto the demandant, though in facto neither of them is seised: For such vouchée is tenant in law and may confesse the Action, because of the priuitie betweén him and the demandant. But a fine by him so leuied to an estranger is void, 8.H.4.5.H.7.40.

Persons attainted or wained in personal actions, may alien by fine or otherwise, for their estates remains in them still, though they thereby forfeit the profits of their lands, 9.H.6.20.21.H.7.7.

And persons attainted of felony or treason may not be Cognisors, by reason that by their offences their estates be forfeited: But if they do, their fines be good against all persons, but the King & the Lord of whom the lands be holden for their times, 8.Ass, pl.25. for their estates

remaine in them during their liues.

Also tenant for life may leuie a fine sur graunt & releas of the lands which he holdeth for life, to hold to the cognisée for life of the Tenant for life, and it is no forfeiture, 44.E.3.36. But if the estate were larger, or the fine sur cognizance de droit come ceo que, &c. it were a forfeiture of his estate, 4.H.7.fol.

The same law is of such fines by tenant in taile after possibilitie, tenant in dower, or by the curtesie, 39.E.3.16. But such fine of a rent seemeth to be no forfeiture, 2.H.5.7. Yet a particular tenant, as in dower, by curtesie, or for life, cannot by fine grant and surrender their estates to the owner of the reuersion or remainder, but may by fine grant and release the same, 17.E.3.62.24.E.3.26.20.E.3.& 14.E.3.

A tenant in common or Iointenant may leuie a fine of his part, 26.H.8.9.

So may a Copartner of his part, Dyer 334.pl.30.Pas.16.Eliz.

A fine leuied by the heire who is an Intrudor vpon the kings possession is void per le Prerog. Cap.13.1.H.7.5.24.E.3.65. But if such fine be leuied without intrusion, it bindeth the cognisor and his heires, 1.H.7.5.

If a disseisor leuie a fine with proclamation, and the disseisée within fiue yeares after do not enter or claime, he and his heires be barred for euer, Pl.fol.353.El.inter Stowell & Zouch.

Also fines may be leuied by the tenant in taile generall, or speciall, And by tenant in fée simple, And by tenant in remainder or reuersion.

Hauing thus passed the capacities and estates of Cognizors, let vs haue consideration how they may be named.

How Cognisors are to be named.

cap. 14. TOuching the names whereby parties to fines ought to be named, for so much as names be to no other end inserted into fines and other writings, than that it may be certainly knowne, who be the parties thereunto, it is requisite that they be certainly named by their right names of baptisme and surnames, whether the same be King, Prince, Duke, Marquesse, Earle, Vicont, Baron, Lord, or Knight, which be names of dignitie, (some of which are sometimes named without their surnames, as Georg. Comes Salop without his surname, Iohés Dux Lancastr',) or he be an Esquire or Gentleman, which be names of worship, nobilitie, and honor, 14.H.6.15.21.E.4.8.4.

Whose additions neuertheless of curtesie are commonly vsed in fines, as Io. Byron Miles, Ph. D. armig. L.L.gener. or if hee be a yeoman, husbandman, artificer, labourer, or any Ecclesiasticall person

as

as Archbishop, Bishop, Archdeacon, Deane, Parson, Vicar, Clerke, &c. Or any Corporation, or bodie Ciuill, Politike, or Corporat, hauing couent or common Seale: as Bailife and Burgeſſes, Maior and Comminaltie, or any other Fraternitie or Brotherhod, 11.H.4.44.12.H.4.20.14.H.4.21.7.H.6.27.

And albeit it be not neceſſarie alwaies in fines to giue the parties their proper additions of place, dignitie, eſtate, degrée, miſterie or occupation: Yet if there be two or moze in one Parish of one name and ſurname, it ſéemeth requiſite for diſtinction ſake, to giue them ſome additions, &c. as I.D. Senior or Iunior, &c. As if a man haue two ſonnes of one name, or the father and his ſonne be of one name, the father ſhall not carrie the addition of Senior, but the ſonne of Iunior, and not the elder brother but the yonger, 37.H.6.29.47.E.3.16.

What perſons may be Cogniſees in fines, and ſecondly by what names they muſt be named.

ALl ſuch perſons as may be grantées or take contracts, may be cogniſées, as perſons of full age, infants, femes couert, mad men, lunatike, ideots, men impriſoned, men without the Realme, and all Corporations & ciuill bodies, men attainted of felonie or treaſon, men outlawed in perſonall actions, baſtards, clerkes conuict, villeins, aliens, &c. Sect. 15.

And if a fine be leuied to a feme couett, ſhe néedeth not to be examined, becauſe ſhe taketh by the fine: and if ſhe had any better eſtate before the fine, the fine ſhall not conclude her to claime it, 3.H.6.42.41.E.3.7.50.E.3.9.24.E.3.62.

Neither ſhall an infant being cogniſée be examined, 24.E.3.62. becauſe the fine is for his benefite. Tenant for life may be Cogniſée in a fine, by which the cogniſor doth confeſſe all his right, which he hath in the lands, to be the right of the tenant for life, and releaſe and quite claime to him and his heires, and not commit any forfeiture, for thereby his former eſtate is not changed, and it may inure to him in reuerſion or remainder, 1.H.7.fol.5.

And an Abbot, Deane and Chapter, Maior and Comminaltie, and ſuch like Corporations, may be Cogniſees in fines: but before the ingroſſing of the fines to ſuch a Corporation, a Writ ought to be directed to the Juſtices of the Common Place, qd̄ p̄mittant finem illum leuari, 5.H.7.25.19.H.6.15. A Writ may be Cogniſée, 22.E.4.13.E.4.22.

But perſons ciuilly dead, as Monkes, Chanons and Friers, cannot be cogniſees, becauſe they be vnder the rule of others, and want ciuill capacitie, 5.H.7.25.19.H.6.25.

2 Cogniſees in fines muſt be named by their right proper names

and surnames: for a fine being leuied to A. and Sibill his wife (where her Christin name was Isabell) was holden void, 1. Ass. pl. 11. See the Section how the Cognisors are to be named, and that will satisfie you for the naming of Cognisees.

Before what persons fines may be knowledged.

Sect. 16. HAuing thus perused the capacities, estates and names of cognisors and cognisees, it is time to enquire of the Iudges, before whom this busines may be handled: Touching which it is to be noted that of these, some are Iudges onely at the time of the cognisances and certificat thereof.

And others at the time of the concord.

And Iudges of the cognisances, are such persons as haue power to take such cognisance, either by vertue of their offices, or by some commission generall or speciall, granted vnto them by his Maiestie out of the high Court of Chancerie.

All or two of the Iustices of the Common Place may in open Court take knowledge of fines, and record them by vertue of their offices, 15. E. 2. C.

And the chiefe Iustice of the Common Place, by the priuiledge and prerogatiue of his place and office, may take cognisance of fines in any place out of the Court, and certifie the same, without Writ of Dedimus potestatem, Dyer fol. 224. pl. 31.

And it seemeth by the Statute 15. E. 2. That if the parties be not able to trauell, two of the Iustices of the Common Bench, with the consent of the rest, or one of them, with a Knight, may goe vnto the parties, and receiue and certifie their Cognisances into the said Court, without any Dedimus potestatem to enable them thereunto. But this course is long sithence discontinued.

And it seemeth, that Iustices of Assises by the generall words of their Patents may take and certifie Cognisances of Fines, without any speciall Dedimus potestatem, for the words be in effect as followeth, that is to say: Necnon ad recipiend' omnes fines, concordias, & recognitiones in circuitu suo, coniunct' & diuisim, recognit' pro illa vice in circuitu illo, non obstante aliquo actu, statuto, siue ordinatione in contrarium, &c.

Yet such Iustices vse not now to certifie them, without a speciall Writ of Dedimus potestat', sued forth of the Chancery, directed vnto them, and giuing them thereby power to take & certifie such Cognisances as they haue already taken, Dyer fol. 224. pl. 51. 5. Eliz. 1. H. 7. 9. And fines haue bin leuied before Iustices Errants, Lib. Intrac' titulo Scire fac' in Ayde 2. ill. R.

Of

Of a Dedimus potestatem de Fine leuando.

A Speciall Commission for a fine is a Writ of Dedimus potestat̃ directed to some persons to take the Cognisances of the cognisors which is granted out of the Chancerie, when cognisors of fines by reason of infirmitie, or other reasonable cause, cannot come to the Court there to make cognisance thereof. This Dedimus potestat̃ must containe the substance of the writ of Couenant, and recite that it is thereof depending betwéene the parties bearing Teste after the writ of Couenant: which writ of Dedimus potestat̃ ought to be directed to men of good credite & conscience, & expert in the Lawes, who must certifie the same with the Cognisances to the Justices of the Common Plées, as shall be shewed hereafter. And euery such Dedimus potestat̃ to a special Commission must be signed by the L. Chancellor, or L. Keeper, and L. chiefe Justice of the Common Plées, or by some of the Justices of the Circuit where the land lyeth. Sect. 17.

But now many Writs of Dedimus potestat̃ to take knowledge of fines be directed to men of meane degrée & smal knowledg, with whom somtimes for fashion sake in such commission be ioined Lords, knights & other of good credite: but be seldom vsed in the execution thereof. By meanes wherof oftentimes this businesse is vnduly effected, and Recognisances of femes couert within age, and of other women neuer duely examined, and of infants, as also of mad men, lunatickes, ideots & men imprisoned, are sometimes certified, which would neuer be suffered, if such cognisors were for that purpose either brought into the Court, or before any of the Justices therof, or before any Serieant, or knight, or man of good conscience & discretion, who would soone perceiue their imperfections, and therfore refuse to take their Cognisances in so weighty matters as fines be, which be the most binding barres in the Law. Great care & heed thereof in my conceit is to be had, to whom such authority is committed, least it be so abused as is abouesaid. And writs of Error haue bin brought, because fines haue bin knowledged by Dedim^s potestat̃ before such as was neither Iudge, Abbot, knight, nor Serieãt at ỹ law, & therfore such recognisances haue bin refused, Br. Fines 120.

A Justice or other person being cognisée in a fine, may not take cognisance thereof himselfe: for if he so doe, the fine thereupon leuied is void, 8. H. 6. 21.

And when any cognisance of fines is taken, it séemeth conuenient, that the persons before whom they be knowledged, do signe the note of the cognisance as it is commonly vsed for the credite thereof, Dyer fol. 320. p. 19 H. 15. Eliz.

And now by a late order, all fines taken by Dedimus potestatem by him

him that is not Iuſtice of Aſſiſe in the Circuit where the land lieth, muſt be ſigned by a Iuſtice of that Circuit, Dyer fol. 220. pla. 15. The forme of the Dedimus poteſtatem appeareth amongſt the adiuncts of Concords.

Iudges, to whom Cogniſances are to be certified, and before whom they are to be Recorded.

Sect. 18. IVdges for the recording of fines bee the Iuſtices of the Common Pleas onely, 15. E. 2. ca. And therefore as it is ſaid, all Cogniſances thereof muſt be certified thither, for in that Court onely all fines are to be leuied, notwithſtanding 36. *H.* 6. 34.

And by ſpecial grant a fine may be leuied in a baſe court, 44. E. 3. 38.

But fines leuied in antient demeſne by any cuſtome ſeeme void, 44. *Ed.* 3. 38. And ſo in other inferior Courts, 50. Aſſ. pla. 9.

Alſo by a Statute of 2. *E.* 6. c. 28. fines may be leuied in the Countie Palantine of Cheſter.

And by 37. H. 8. c. 19. fines may be leuied of lands in the Countie Palantine of Lancaſter.

And by the Statute of 5. *Eli.* cap. 27. fines may be leuied within the Countie Palantine of Dureſme.

Hauing thus run ouer the diſcourſe of the perſons vſed in fines, order requireth that we ſhould now ſet vpon the verie actions of fines themſelues.

Of the diuiſion of fines.

Sect. 19. Fines diuided, a fine without proclamation, diſcontinuāce

EVerie fine therefore is either without proclamations or with proclamations.

At this day a fine without proclamation, which is alſo termed a fine at the Common Law, is ſuch a fine as is leuied after ſuch manner and forme as they were vſually leuied before, 4 H. 7. c. 24. vpon which no proclamations were made, which fines doe ſtill remaine of ſuch force, as they were at the Common Law, to diſcontinue the eſtate of the Conniſor, if they be executed, 7. *Ed.* 3. fol. 35. 1. R. 3. c. 7. Dyer fol. 216. p. 54. 4. *El.* Pl. fol. 265. b. 4. H. 7. c. 24.

A fine with proclamation. A fine with proclamations (the ſame is alſo termed a fine according to the Statute) is a fine leuied with proclamation after the forme and maner ordeined by the Statute made 4. H. 7. c. 24. 1. R. 3. c. 7. Mar. c. 7. 32. H. 8. c. 36. 31. *El.* c. 2. Plo. fol. 265. b.

Of Fines executed, and executorie.

Sect. 20. A fine executed.

AND euerie fine, as well with proclamation as without, is either executed or executorie.

A fine executed is such a fine, as of his owne force giueth a present possession (at the least in law) vnto the Cognisee, so that he needeth no writ of Habere facias seisinam for the execution of the same fine, but may enter, of which sort is a fine sur cognisance de droit come ceo que il ad de son done, which is in verie deed the surest fine of all, 8. *H.* 4. 8. 41. *E.* 3. 14. 42. *E.* 3. 5. 46. *E.* 3. 15. 50. *E.* 3. 9. 13. Ass. p. 8.

A fine executorie.

Fines executorie be such, as of their owne force doe not execute the possession in the cognisees, as fines sur cognisance de droit tantū. Fines sur done, graunt, releas, confirmation, or render: for if such fines be not leuied, or such render made vnto thē that be in possession at the time of the fines leuied, the cognisees must needs sue writs of Habere facias seisinam, according to their seuerall cases, for the obtaining of their possessions. Nevertheless, if at the leuying of such executory fines, the parties, vnto whom the estate is limited, be in possession of the lands passed, he needeth no writ of execution for the same, for then such fines do inure by way of extinguishment of right, but after not the estate nor possession of the cognisee, but perchance better it, 7. *H.* 7. 12. & 22. 2. E. 3. 6. 21. E. 3. 44 8. H. 4. 8. 41. E. 3. 14. 7. H. 4. 23.

Extinguishment.

Againe, some Fines are single, and some double.

Sect. 21.

A Single fine is such a fine by which nothing is granted, or rendred backe againe by the Cognisees, or any of them, to the cognisors, or any of them, 8. H. 4. 8. 24. E. 3. 26.

A single fine.

A double fine is a fine containing a grant and render back againe either of some rent, common, or other thing out of the land, or of the land it selfe, to all or some of the Cognisors, for some estate limiting thereby many times remainders to estrangers, which be not named in the writ of Couenant, 8 H. 4. 8. 24. E. 3. 26. and 35.

A double fine.

Of the parts of Fines, and of the writ of Couenant.

Sect. 22.

IN the forme of euery fine wee are to consider the principall partes thereof, and their Adiuncts, both proper in euery part, and common to all. The principall parts of fines be the writ or action whereupon the concord is made, and the concord it selfe.

Part of fines.

Of writs whereupon fines are leuied.

Sect. 23.

THe writ is the very basis, ground, & foundation of the fine, whereby the parties haue day in court to leuy the same, & containeth the parties and things to be passed certainly, And it is most commonly a writ of Couenant, 35. H. 8. Br. Fines 116. Or a Warrantia chartæ, 18. E. 4. 22. Or a writ of Right, Or a writ of Mesne, 26. Ass. pla. 37. Or a writ of Customes and seruices, 26. Ass. pl. 37. Dy. fol. 179. pl. 46.

Whereof

Whereof Fines be grounded.

ect. 24. In euery ſuch writ theſſentiall parts & the adiuncts are to be conſidered: the principall parts thereof be the parties to the ſame, whereof we haue ſpoken already, And the things whereof a fine is leuied.

Of what things Fines may be leuied.

ect. 25. And touching the things whereof fines are leuiable, we are firſt to conſider the nature of the things themſelues, whether they will paſſe in fines or no: And then of their names, by which they may paſſe or not: And how they may be in order placed in the writs. Fines therefore may be leuied of all things inheritable being in eſſe tempore finis, and certainly expreſſed in the writs, 18. *E.* 4. 22. as de meſſuagio, toſto, columbario, gardino, terra, prato, paſtura, boſco, ſubboſco, bruera, mora, iuncaria, mariſco, alneto, ruſcaria, redditu, *per Regiſtrum fol.* 2. a, de Rectoria Eccleſiæ parochialis de M. ac de decimis granorum, garbarũ, & fœni eidem Rectoriæ ſpectant̃, &c. or cum omnibus decimis granorum, garbarũ, & fœni eidem Rectoriæ ſpectant̃, *Thel. Lib.* 8. cap. 9. Sect. 2. de Rectoria 2. E. 3. de furlongo terr̃ 4. Hen. 6. 14. de paſſagio vltra aquam de T. de paſtura ad certos boues, oues, & alia aueria, ac de communia pro omnibus animalibus, vel pro omnimodis̃ auerijs vel de libera piſcaria, libera warrenna, vel de Aduocatione Eccleſiæ de D. vel de aliquo ſeruitio ſpeciali, vt de ſeruitio vnius feodi Militis, vni⁹ paris Calcarium deauratorum, vel de ſeruitio inueniendi hominem, equitẽ vel perditem ad eundum, vel ad equitandum cum le Cogniſæ in exercitu Walliæ vel Scotiæ, &c. de Piſcaria 13. E. 3. de officio 27 *H.* 8. fol. 12. de proficuis officij 12. *E.* 3. de Aduocatione *Regiſt. fol.* 165. de Corodio 18. *H.* 6. fol. 20. 4. *E.* 4. 6. de chiminio 2. *E.* 3. fol. 49. de proficuo molendini 18. *E.* 3. fol. 56. de libero redditu in breui, and in the conord, Quod prædictus A. recogn̄ predict' redditum cum pertinentijs ſimul cum homagio & fidelitate B. C. & heredum ſuorum de totis tenementis quæ &c. 1. *E.* 3. fol. 1. & 5. de frankfold, 1. *E.* 3. fo. 1. de Nundinis & Mercatu 1. *E.* 3. fol. 4. de franchiſia, 1. *E* 3 fol. 4. de Minera plũbi, & cuiuſcunque generis metalli cum pertinentijs, &c. *Reg. fol.* 165. de decimis garbarum ad eccleſiam de N. qualitercunque ſpectant̃ *Reg. fo.* 165. de Aduocatione tertiæ partis eccleſiæ, &c. or, de tertia parte Aduocationis eccleſiæ, or de medietate aduocationis eccleſiæ, or, de Aduocatione medietatis eccleſiæ, 45. *E.* 3. 12. 33. *H.* 6. fol. 11. de Communia 4. *E.* 4. 6. de caruca terræ, de paſtura ad cent̃ boues, de homagio, de feod Militis *Reg. fol.* 166. 167.

And a fine may be of a rent charge, which had no being before, 21. E. 3. 44.

Or of a chiefe rent or other rent in being, 18. *E.* 4. 22.

Or,

D Or, of a Seignorie, 48.E.3.23.

E Or, of an acquittaile, 50.E.3.23.

F Or, of a Chauntrie, 37.E.3.33.

G And of many other things may fines be leuied.

H And as fines may be leuied of things in possession, so may they be leuied of a Remainder, or Reuersion, 42.E.3.7. 44.E.3.45.

I And a Reuersion or a Remainder will passe by the name of the lands, 43.E.3.22.

K But where a fine is of a reuersion or a remainder, it behooueth the cognisee to sue a Quid iuris clamat against the tenant: When it is of rent, a Writ Quem redditum reddit: And where of a Seignorie or services, Per quæ seruitia, to compell the tenant to attorne, as shall be shewed hereafter. Of a reuersion or remainder.

L Fines may be leuied of the inheritance or free hold of parsonages, vicarages, portions, pentions, tithes, oblations, or any other Ecclesiasticall profit, made Temporall, and admitted to abide in Temporall hands, and lay vses, by the Lawes and Statutes of this Realme of England, 32.H.8.c.7. Of Ecclesiasticall lands made Temporall.

M And to conclude, fines be leuiable of all things, whereof a Precipe quod reddat lyeth, as will appeare by the examples following.

N And lands bought of diuers persons may passe in one fine, and then the Writ of Couenant must be brought by all the vendees against all the vendors: And euerie vendor must warrant against him and his heires onely: for it is absurd that one man should warrant the sale of another without consideration. Of diuers purchases.

O And such ioynt fines seeme reasonable, especially where the seuerall purchases be of so small value as the charges of a fine would exceed the value of some of them.

P But fines may not be leuied of things in certaine: as de tenemento 3.E.4.19. 11.H.7.25. 12.H.7.6.47.E.3. Incertainie. Tenement.

Q Nor of lands giuen in taile by the King, for it is void against the issue in taile and the King, 32.H.8.c 36. Br. Fines 121. Taile by the King.

R Nor of lands restrained from being sold by act of Parliment, 32. H.8 c.36. Restraint.

S Nor of lands of the husband or of his ancestors assured for iointure, dower, or in taile, to any woman by meanes of her husband or his ancestors, for such a fine worketh a present forfeiture of her estate, if shee grant a greater estate than for her life, 11.H.7.c.20. Plow. fol. 459. Dower. Iointure. Forfeiture.

T Nor of lands seised into the Kings hands before Liuerie or Ousterlemaine sued, 24.E.3.65. Lands seised.

V Nor of lands in Antient demesne: for if any fine be leuied of such lands, it may be reuersed by a Writ of Disceit, brought by the Lord of Antient demesne.

Antient

Antient demeſne, & thereby he ſhalbe reſtored to his Seigniory, & it ſeemeth to be void betwéen the parties, quia corã non Iudice, 7.H.4.44. 8.H.4.23. 21.E.3.20. Reg.fol.13.b. *de Fine adnullando, &c.*

Yet it is holden good to bind the parties, 17.E.3.32. & 7.H.4.Br. Fines 101. which ſeemeth not to be Law.

Antiẽt demeſne & lay fee.

But if ſuch fines be of lands in Antient demeſne, and of lands at the Common Law, it ſhall be ſtill good for the lands at the Common Law, 7.H.4.44. 21.E.3.20.

By what meanes things may paſſe in Fines.

ect.26. lames.

NOw that we haue partly ſet downe what may paſſe in fines, let vs ſee by what names the ſame may paſſe. An honour, this may paſſe by the name of a Manor, or by his proper name: as de honore de Tickhill, or de manerio de Tickhill.

A Manor.

It ſufficeth alſo to demaund a Mannor by his proper name without naming of the Towne wherein it lyeth. For it may be out of any Towne, or extend into ſeuerall Townes and Counties: as de manerio de D. cum ptiñ, yet it ſeemeth beſt to expreſſe all the ſeuerall Townes into which it extendeth: as de manerio de S. cum pertiñ in D. & E. 19. E.4.fol.9.a. 43.E.3.fol.9.a. Bracton lib.4.c.31.Sect.3. 9.E.4. f.61. 9.a. 16.a. 17.b. 11.H.7.fol.22.b.49. For if any of the Townes, into which the Manor extendeth, be omitted, nothing of the Manor in that Towne paſſeth, 5.E.4.103.

A Caſtle or Hundred. Manor. Caſtell.

A Caſtell or a Hundred, may be parcell of a Manor, and paſſe by the name of the manor, whereof they be parcell 26. aſſ.54. And one Manor may be parcell of another, 2.E.3.fol.36. And a Caſtell may be demanded by his proper name: as de caſtello de B. cum ptiñ 1.E.3.fol.4.

Hundred.

An Hundred may be demanded by it ſelfe: as de hundredo de S. 27. H.6.fol.2.

A Meſuage.

Meſuagium is a dwelling houſe. By the name of a Meſuage, may paſſe a Curtelage, a Gardein, an Orchard, a Doue houſe, a Shop, a Mil as parcell of an houſe, Bracton lib.5.c.28.Sect.1. Plowd.fol.169.171. 170. The like of a cottage, a toft, a chamber, a celler, &c. yet may they be demanded by their ſingle names.

A Chappell. A Hoſpitall.

A Chappell or an Hoſpitall muſt be demaunded by the name of a Meſuage, 13.aſſ.2.

A Toft. A Curtelage.

A Toft is the place wherein a Meſuage hath ſtood.

A Curtelage is a garden, or a yard, or fold, or a peece of void ground lying néere and belonging to a Meſuage, Plowd.

A Mill.

Molendinum is good without adding ventriticum, or aquaticum: albeit the latter be more vſuall, 44.E.3.fol.13.

A Reuerſion.

Of a Reuerſion, by the name of the Land, or otherwiſe, 43.E.3.22.

Land

Land is to be demanded by the certaine measure of the superficiall quantitie thereof: hida, carucata, bonata, virgata, acra, roda terræ. Land.

In like maner boscus, subboscus, bruera, mora, iuncaria, mariscus, & alnetum, & ruscaria, may be demanded by the number of acres thereof, 16. Ass 9.

Turbarie may be demanded by the name of More.

Rent by the multitude and number of the things which are to be rendred: as, x. libr̃, or sex denar̃, or vno obular̃, or quinque solidat̃ reddit. Rent.

Housebote, Haybote, & Plowbote, may be demaunded by the name of Estouers; thus, de rationabili estouerio in boscis, viz. in decem acris bosci ipsius A. in D. &c. Estouers.

Parsonages, Rectories, Aduowsons, Vicarages, or Tyths impropriate, passe not by the names de Aduocatione Ecclesiæ, but de Rectoria ecclesiæ de S. cum pertin̄. A Parsonage.

But when it is but of a Presentation, it must be de Aduocatione ecclesiæ de S. and not cum pertin̄. A Presentation.

And of all Vicarages endowed, the writ must be de Aduocatione Vicariæ ecclesiæ de S. and not cum pertin̄. A Vicarage.

And where no Vicarage is endowed, it passeth vnder these words, de Aduocatione ecclesiæ de S. &c.

If an entier manor, mesuage, or other entier thing, be diuided or parted, & after a fine is to be leuied of some of the parts of the thing so seuered, then must not the fine be de medietate, or quarta parte, or other part, of the manor, mesuage, or other thing, but such part must be demanded by ỹ name of a whole thing. As, if the manor of D. be diuided into 2. parts, the fine of thone part (if the diuision be so made, that ỹ manor of that part be not extinct) must be de manerio de D. So if a mesuage and xx. acres of land be parted into two parts, the fine of the one part must be de vno mesuagio & decem acris terr̃, &c. and not de medietate vnius mesuagij, & xx. acrarum terr̃: for the things new deuided from the rest, are now become whole things by themselues, though lesse in quantitie than the whole was before diuision thereof made. If a thing be twice named in a writ of Couenant, it hurteth not: as a Manor and an Hundred parcell of the same manor, 27. H. 8. 2. Parts seuered. Twice named.

If lands in diuerse Shires passe, there must be seuerall writs of Couenant thereof accordingly, and but one Concord, Dyer 227. pla. 44. 15. E. 4. 33. Diuers shires.

Of the names of the place wherein the lands do lie.

AND the place wherein the lands do lie, is taken to be parcell of the name thereof: and therfore we must regard the places wherein the lands do lie, as the Shire, Town, Parish, or Hamlet: for a fine is good Sect. 27. Place.

in

Hamlet. Towne detained.

in a Hamlet, 38.E.3.fol.19.8.E.4.fo.6.and 7.E.6.Br. Fines 44. and 91. or in a Towne retained, 7.E.6 Br. Fines 91.

B Neuertheleſſe, it is alſo good to name the Towns wherein the hamlet is, as it ſeemeth, and that with addition, for diſtinction, if there be diuers Townes of the ſame name in the ſame Countie.

A Manor in diuers townes. C And if a Manor extend into diuers Townes: as, A.B.C. it is good to expreſſe all, or none: as, de Manerio de S. in A.B.C. for if any of the Townes be omitted, none of the Manor in that Towne paſſeth. Yea a fine of a Manor cum pertineñ would haue carried the whole Manor, 9.E.4.6.

Two Manors of one name. D But if a man haue diuers Manors of one name: as, South S. and North S. it is good, in a Writ of one of the ſame Manors, to expreſſe certainly which of them is intended to be paſſed, 47.E.3. 12.H.7.6. Albeit it is thought good enough by the name of the Manor of S. without addition: for certaintie is alwaies beſt.

How ſeuerall things muſt be placed in Writs of Couenant.

Sect. 28. Orderly placing. A NOw, that we haue partly learned, of what things Fines may be leuied, and by what names: it ſeemeth time to ſhew, in what order and forme they muſt be therein placed one before another, when diuers things paſſe by one writ, for which we may obſerue theſe rules.

Worthieſt. Firſt, the more worthie things muſt be put before the things leſſe worthie: as a Meſuage is ſet before a Land, a Manor before a Meſuage, a Caſtle before a Manor, 7.H.6.39. Plow. 168. 169.

Things generall. B Secondly, things generall before things ſpeciall: as Land (being the generall, or genus to meadow, paſture, wood, Iuncaria, mariſcus) is firſt to be placed: And wood (being the generall to wood grounds, as alnetum, ſalicetum, &c.) is to be ſet before them in the Writs.

Whole things. Parts. Things excepted. C Thirdly, entire or whole things are to be ſet before their parts: as, de Manerio de C. & medietate Manerij de B. cum pertineñ, &c.

D Fourthly, parts of things excepted, muſt ſucceed thoſe things out of which they be excepted. And if there be diuers parcels in one Writ, that parcell, out of which the exception is to be made, ought to be laſt placed, Regiſtr fol. 6. as, de Manerio de D. cum ptiñ in C. (excepto vno meſuagio, duabus acris terræ, & aduocatione eccleſiæ de C, &c.)

Pertinentiæ. E And euery thing excepted ought to be certainly named. It néedeth not to ſay cum pertiñ after the thing excepted, 40.E.3.25.

F And the exception muſt alwaies be of ſuch things, whereof the writ will lye, & be mentioned therein, Plow. fol. 361.a. 362.b. 370.a. Regiſtr fol. 228. 229. of which for the preſent, view the enſample enſuing: viz.

G Præcipe A.B. quod teneat C.D. conuenc', &c. de vno meſuagio, vno cotagio, & medietate vnius meſuagij, & decem acrarũ terræ

terræ cum pertin', excepta vna acra terræ in N. &c.

And finally the forme and order of placing the particulars in a writ of Couenant, is in all things as in a Præcipe quod reddat of lands. Regula.

And further, obserue the rule of the Register fol. 2. which partly appeareth in these verses ensuing.

suagium, tum, lendinum, umbare, dinū, ra, tum, tura, cus, ra, Regula.
Mes, tof, mol, col, gar, ter, pra, pas, bos, breue, mora.

ria, cus, tum, caria, ditus,
Iunca, maris, alne, rus, red, sectare priora.

The writ of couenant must beare Teste before the writ of Dedimus potestatem, 35. H. 8. Br. fine 116. Writ.

Of Adiuncts proper to the Writs whereof Fines be leuied.

OF Adiuncts proper to writs of Couenant, and other writs vpon which fines be vsually leuied, some be internall Adiuncts, and some externall. Sect. 29.

Adiuncts internall, be the dayes of returne, and the date or Teste of the writ, which be also common to other writs. Adiuncts internall.

In the Returne it is to be obserued, that there be 15 dayes at the least betweene the Teste, and the day limited for the returne thereof, 12. E. 4. 12. Returne.

The Teste or date must not be vpon any Sunday, or other festiuall day, which is not dies iuridicus in Court. Teste.

Externall Adiuncts to writs be the writing, the Latine, the affidauit, or composition, the signing, and the payment of the fine, and returning, which be in like maner to other writs. Externall. Writing. Rasing. Interlining.

Touching the writing thereof, it is met to be faire written without rasing or interlining of any principall matter therein, for such rasing or interlining will ouerthrow the writ in some cases, 45. E. 3. 18.

Also it behoueth that there be no false Latine in any such writs, 7. H. 6. 34. False Latine.

And therefore such writs should heedefully bee examined twice or thrice ouer, for feare of errors. Examination of writs.

The forme vsed in the returning of such writs will appeare amongst the presidents, for the returnes are nothing else but the Sheriffes answeres touching that they are commanded to doe by the same writs. Returnes.

Vpon what writs fines may be leuied.

For so much as no fine can be leuied but vpon some originall writ, Stat de finibus 27. E. 1. I meane now to consider vpon what originall writs Originals.

writs fines are leuiable.

A writ of Conenant is the most vsual writ whereupon fines are leuied Fitz. Nat. bre. f. 146. f. 35. H. 8. B. fines 116. Carliel stat. 15. E. 2.

Wet may fines be leuied vpon a Writ of Waranꝰ cartæ, 18. E. 4. 22. Carliel. stat. 15. E. 2.

Or vpon a Writ of Meſne, 18, E. 4. 2.

Or vpon a Writ de conſuetudinibus & ſeruitijs, 22. aſſ. p. 37. Paſ. 14 El. Dyer fol. 279. pla. 46.

Or vpon any Writs of Right, 7. E. 3. f. 335. Plow. f. 358.

Yet Tremayle Juſtice holdeth, that if in a Præcipe quod reddat againſt the tenant for life, which maketh default, after default, he in the reuerſion or remainder be receiued, a fine may be leuied of the land betweene the demandant and him in the reuerſion or remainder, Ideo Quære, 21. E. 44.

A fine may be vpon a Writ Quod permittat habere chiminum vltra terram le Cogniſor, 2. E. 3. 19. Fitz. Fines 102.

The ſeuerall formes of Concords.

A Concord is the verie agreement betweene the parties how the lands ſhall paſſe, in the forme whereof many things are to bee regarded: As if it be ſingle, whether it be ſur cogniſance de droit come ceo que il ad de ſon done, or ſur grant, done, releas, or confirmation. Or if it be a double fine with a render, what eſtates are to bee created thereby, and of the reuerſion of Rents nomine pœnæ, and clauſe of diſtreſſe and ſeruices, with the clauſe of warrantie. For which it is to bee noted, that when a fine is leuied to diuers Cogniſees, the right ſhall be limitted to one of them onely, and the ſtate limitted to his heires onely whoſe right it is knowledged to be, 3. H. 6. 42. 21. E. 3. 33. 34. E. 3. 11. 24. E. 3. 64. as thus,

Et eſt concordia talis, ſcilicet qd̃ pd̃ictus A. cogn' tenꝰ pd̃ict' cum pertin' eſſe ius ipſius B. vt ill' quæ ijdem B. & C. hẽnt de dono pd̃ A. Et ill' remiſit & quiet' clam̃ de ſe & heredebus ſuis pfatis B. & C. & heredibus ipſius B. &c.

But the Kings tenant in capite may knowledge the right of his lands to be in diuers for the Kings benefit, in hauing many ſuch tenãts in capite, 7. H. 7. 4.

And likewiſe the releaſe & warrantie muſt bee from the heires of one of the Cogniſees, 44. & 3. 21. for in a fine from diuers, the fee muſt bee ſuppoſed to be in one of them onely, 21. E. 3. 32.

In a fine ſur grant & render, none can take the firſt eſtate vpon the render, but ſome of the Cogniſees, but reuerſions or remainders any ſtranger may take. For if A. knowledge a fine to B. and B. render to the ſaid A. habendum ſibi & hered. ſuis, and the heires of their bo-

dies

dies, &c. by this fine Cannot haue none estate, because she is not named in the writ, 24.E.3.27.30.H.8.Br.Fines 208.7.E.3.63.

And a man cannot by fine by way of remainder reserue a lesse estate to himselfe then fee: And therefore if A. knowledge a fine to B. in fee, and he render to A. in taile, the remainder to himselfe in life, this remainder is void, for A. had fee simple before, 24.E.3.28.14.H.4.31.

And a Concord cannot be of any other thing then is contained in the writ of Couenant, and not of a forrein thing, if it be not consequent: As in a writ of land, rent, common, &c. may be rendred issuing out of it, 18.E.4.22.

And a Concord may be with an exception of some part, 44.E.3.21.

If a man will, he may make a Iointure by fine thus: If J. leues a fine to A. in fee sur cognizance de droit come ceo, &c. and after A. render to J. for life without impeachment of waste, the remainder to W. his wife for terme of her life, the remainder to J. and his heires, 38.H.8.Br.Fines 108.

The manors and tenements contained in the writ may be diuided: As if a fine be leuied betwen R. & W. of two manors, which W. knowledgeth all his right of the said two manors to be the right of the said R. as that which, &c. for which R. granteth and rendreth the one manor to W. for life, with two parts of the other manor, which W. holdeth in dower, To haue the one manor, and two parts of the other manor, to W. for life, the remainder after her death to R. in taile, & that after the death of A. the third part shal remain to another, 43.E.3.11.45.E.3.12

And in like maner a fine is leuied of the manor of C. cum pertinen by A. vnto C. which A. knowledgeth the right in C. as that, &c. and C. granteth and rendreth the same to A. in taile, The remainder of the fourth part of the manor towards the West to the said A. & her heires, the remainder of another fourth part towards the East to J. in fee, the remainder of another fourth part towards the South to one R. in fee, and of the other fourth part towards the North to W. and his heires, it is good, 44. Ass. p. 11. Or incertainly by three third parts to A. B. and C. in remainder seuerally, 18.H.7.Br.Fines 111.

A fine leuied to one in taile vpon condition with remainder is holden to be good, 27. H.8.24. Plowd.34.b.24 E.3.62. Contra p Prisot, 33.H.6.52. and 44.E.3.22. But a fine with a reentrie was reteined, 44.E.3.22.

A lease for yeares may be made by a fine in this forme: The lesee must knowledge the tenements to be the right of the lessor, as that, &c. and then the lessor must grant the lands backe againe to the lessee for so many yeares as are agreed vpon, reseruing a rent with a clause of distresse: But this fine will not binde the issue in taile, because he taketh

by the fine but giueth nothing therby. Br. Fines 106. tempore H. 8. 136. H. 8. Br. Fine, 118. Plow. 455. 14. Eliz.

Ou a lease for yeares may be made by fines to bind the Tenant in taile, thus: The tenant in taile and the lesse to knowledge the tenements to be the right of an estranger, as that, &c. and the Cognisee to grant and render the tenements to the lesse for certaine yeares yeelding a rent with a clause of distresse, and then grant the reuersion to the tenant in taile, 36. H. 8. Br. Fines 118.

If an estranger, which hath nothing in the lands, leuie a fine to him in the remainder in taile dependant sur estate pur vie, sur cognisance de droit come ceo que il ad de son done, &c. and the Cognisee by the same fine render to the Cognisor for yeares, de commencer al Mich. ensuant, and dieth, and all the proclamations are made after his death, The tenant for life after such time as the said lease is limited to begin dieth, it is adiudged a good lease to bar the issue in taile for the terme, 14. Eliz. Plowd. 437. b. inter Smyth & Stapleton, which seemeth contrary to the opinion before, Br. Fines 106. 118.

A. by fine granteth his tenements, which I. holdeth for life, & which after his decease, &c. to M. for life, rendring rent, &c. with a distresse, saying the reuersion, 44. E. 3. 45.

A fine sur cognizance de droit come ceo, &c. is leuied to A. in fee rendring rent, this reseruation is void, because the fine is executed, for no reseruation can be but of a fine executorie, as surrender, 50. E. 3. 9. 24. E. 3. 26. 29. E. 3. 1.

And if diuers ioyne in a fine, the warrantie must be by the, and the heires of one of them which is the owner of the land, 44. E. 3. 1. 21. E. 3. 27. 42. E. 3. 13. 24. E. 3. 66. Contr sur terres de Gauelkind, ibm.

A particular tenant, as for life, &c. cannot surrender his terme to him in the reuersion or remainder by fine: But he may grant and release it to him by fine, 44. E. 3. 36.

One Concord may be of lands in seuerall Counties, and the fine prolicen concord of all extracted entirely: Yet must there be seuerall writs of Couenant, returnable all at one day, 6. El. Dyer fol. 227. pl. 43. 15. E. 4. 33.

And finally in Concord, all the speciall names of things contained in the writ, whereupon the fine is leuied, are not to be rehearsed, But onely the generall words therein mentioned: as manor, Tenements, rents, aduowson, common, &c.

As where the writ is de vno messuagio, vno gardino, vno pomario, decem acr terr, v acr prati, x acr pasture, iiij acr bosci, & communia pastur cum pertin in C. &c.

The Concord hath, Recogn terra & cum prædictam cum pertinentijs.

tinentijs esse ius &c. But the examples following will more plainely expresse this, and all the differing formes of Concords here before mentioned.

A writ of Couenant of three messuages, and of common pasture.

PRæcipe &c. de tribus messuag' &c. cum ptin in D. & T. & de communia pastur ꝑ omnib' & omnimodis auerijs, ac de past', ꝑ 400 ouibus cum ptin' in D. in parochia de C. Et nisi &c. Sect. 31.

Of one messuage, one curtilage, one garden, of a rent, and of sheepewalke.

PRecipe &c. de vno messuag', vna curtilagio, vno gardino &c. ac 5 l. reddit cum pertin' in F. Necnon de libert vnius faldagij et cursu ouium cum pertin in F. Et nisi &c. Sect. 32.

Of Wood, & Foldage.

PRecipe &c. de cent acris bosc' cum pertin' in N. ac de libertate faldagij pro 40 ouibus cum pertin' in S. Et nisi &c. Sect. 33.

Of Wood.

PRecipe &c. de &c. et quatuor virgat bosc' &c. in parochijs de B. et L. &c. Sect. 34.

Of 2 parts in 3 parts diuided of 8 acres of land, of pasture, acres of reed, and fresh and marish land.

PRecipe &c. de duab' partibus in tres partes diuidend 8. acr terr, 40. acr pastur' 40. acr' arundinarum, 10. acr' marisci frisci, et marisci salsi cum pertinentijs in D. &c. Et nisi &c. Sect. 35.

Of a Parsonage impropriate, and of the moitie of the tithes.

PRecipe &c. de Rector impropriat de H. cum ꝑtin' ac de medietat omnium decimarũ, granor', bladorũ, garbar', et fœni de terr vocat le B. lands cum pertin' in H. pred' &c. Et nisi &c. Sect. 36.

Of a Manor, of rent, and of Free folding for sheepe.

PRecipe &c. de maner' de &c. et decem solid redd', ac de liber' faldagio ouiũ cũ ptin' in R. et de Hundred' de L. Et nisi &c. Sect. 37.

A Writ of Couenant by one of the Kings Secretaries of the 3 part of 4 messuages, 4 cottages, one mille, gardens, orchards, lands, medow, pasture, moore, turbarie, and rent, the 3 part of the view of frankepledge, of goods, and cattels waiued, felons, fugitiues put in exigent, felons de se, deodands, treasure found, extrahur, and of the third part of a parsonage.

PRecipe W. S. militi dño M. quod ten'. R. C. militi, principal Secretar dom Regis conuenc' &c. de tertia part 4. messuag', 4. cotag' vnius molendin', 10. gardiñ, 10. pomar', 100. acr' terræ, 200. acr' prat 200. acr' pastur, 30. acr' moræ, 30. acr turbar, et 5. s. redd cum pertiñ Sect. 38.

in A.B.C.D.ac de tertia parte Viſ.franci pleg', bonor & catallor, wauiar, felon', fugitiuor, vtlagat, in exigen' poſitorum.felon' de ſe, deodand, theſaur inuent, ac extrahur cum pertinent in M.&c.Necnon de tertia parte Rector eccleſiæ de K.cum pert.Et niſi,&c.

A Writ of Couenant of Tythes.

Sect.38. *Leic.ff.* PRecipe T.N.Milit,qd ten' T.P.conuenc', &c. de ꝓficuis granor,fœni,lanę,& agnor,ac de omnimod alijs dicimis cum pertinentijs in M.Et niſi,&c.

A writ of Couenant, of the Scite of a Monaſterie, of Meſſuages, of Common, of paſture for all manner of beaſts, of rent, and rent of hennes, and rent worke

Sect.39. *Derb.ff.* PRecipe A.B.qd ten' C.D. conuenc' de ſcitu Monaſt.de B. cum pertin,ac de xx meſſuag',&c.ac de com paſtur ꝓ omnib' animal,ac de 100 s rddit,ac de reditu C.galinar, & C.oper cum pertin' in E.& F. Et niſi,&c.

¶ Et eſt concordia talis,ſcz.qd predict' A.B.recognouit pred.ſitum tenet,communiam paſtur,& redd cum pert eſſe ius ipſius C.vt ill, &c. (cum relax' & warrant,&c.)

A Writ of Couenant againſt the father and the ſonne and heire apparant, of cottages, toftes, barnes, water-mills, of one wind-mill, doue houſes, Gardens, Orchards, Land, meadow, paſture, wood, mariſh, furres, heath, moore, rent, halfe a pound of pepper, of mine of coale, and the aduowſon of a Church.

Sect.40. *Eine.ff.* PRecipe F.M.armig',&c.& T.M. filio & hæred' apparet eiuſdem F.qd ten' F.F.& N.R.gent conuenc',&c.de manet de T.S.& H.iuxta N.ſuper Trentam,Ac de 40.meſſ.20 cotag',40. toft',30 horreis,2 molend aquatic', vno molend ventritico, 3 columbar,40 gardin',40 pomar,mill acr terræ,mille acris prati,mille acr paſturæ,500 acris boſci,100 mariſ.100 iampn' & bruer, 100 acr alneti, 100 acr iuncar,500 acr moræ, 4 libr reddit & red dimid vnius libræ piperis cum pert in & S.Necnon de Aduocac' Eccleſiæ de T & H. Et niſi,&c.

A Writ of Couenant of Diſmes and Tythes.

Sect.41. *Notting.ff.* PRecipe D.E.quod,&c. teneat R.Y. Armig', conuenc' &c.de decimis garbarum,granorũ, & fœni cũ ptin in R.& W. Ac de decima fœni in V. Necnon de decimis lani,agnor,oblationũ,obuentionum,& emolumentorũ,

&

et de omnibus aliis decimis quibuſcunque, venien, creſcen, et renouañ in W. pred. Et niſi, &c.

A writ of Couenant againſt the husband and the wife of a Parſonage, and of the aduowſon of a Vicarage, and of meſſuages, cottages, barnes and gardens.

PRæc' T. B. et A. vxori eius quod ten C. W. armig' conuenc' &c. de Rectoria de L. ac de aduoc' vicar de L. ac de decem meſlug', x. cot, x. hor, x. gard, &c. cum ptin in L. pd. Et niſi, &c. Sect. 42.

Præc', &c. q iuſte, &c. de x. meſ. &c. in W. Necnon de Rectoria eccleſ. de G. et de decim granor, fœni, lanę, agnor, et omnium aliar decimarum quarumcunq; in G. pred. At etiam de aduoc' Vicar eccleſiæ de G. pred cum pertinentiis. Et niſi, &c.

A fine knowledged by one to two perſons, of ſixe meſſuages, with warrantie againſt him and his heires.

Surr. ſs. PRecipe W. W. q iuſte, &c. ten I. L. et A. P. con, &c. de ſex meſſuag' &c. cum pertin in C. W. et E. &c. Et niſi, &c. Sect. 43.

Et eſt concordia talis, ſc. q pred W. recogn pred tenementa cum ptin eſſe ius ipſius I. vt illa quę iidem I. et A. habent de dono pred W. Et ill' remiſer et quiet clam de ſe et hered' ſuis pred' I. et A. et hered' ſuis imperpetuũ. Et preterea idem W. conceſſit p ſe et heredibus ſuis, quod ipſe warrant pred' I. et A. et hered' ipſius I. pred' tenementa cum pertin contra predict' W. et hered' ſuos imperpetuum. Et p hac, &c.

A fine by the husband and wife to two, of meſſuages, toftes, lands, medowes, paſtures, and rents, with warrantie againſt the Conuſor and his heires.

Surr. ſs. PRęcipe I. T. et A. vxori eius, q iuſte, &c. ten W. R. et R. D. conuenc' &c. de quatuor meſſuag', quatuor toftis. xl. acr terrę, xx. acris prati, 120. acr paſtur, et quinque ſolid' et 4. denar reddit cum pertin in S. Et niſi, &c. Sect. 44.

Et eſt concordia talis, ſcilicet, quod predict' I. et A. recogn prædictum tenementum cum pertinentiis eſſe ius ipſius W. vt illa quæ idem W. et R. habent de dono prædictorum I. et A. Et ill' remiſer et quiet clamauer de ipſis I. et A. et heredib' ipſius I. prefat W. et R. et heredibus ipſius W. imperpetuum. Et præterea iidem I. & A. conceſſerunt p ſe et heredibus ipſius I. quod ipſi warrant pdictis W. et R. et hered ipſius W. pred' tentum cum pertin cõtra pred. I. et A. et heredes ipſi' I.

imperpetuum. Et pro hac recogñ, remiſſione, quiet̃ clamat̃, warrant̃, fine, & concord̃, ijdem W. & R. dederẽ p̃d̃ I. & A. ducentas & quadragiñ libr̃. ſterlingorum.

A fine by two, and the wife of one of them, of land, meadow, paſture, and of Wood, with warrantie againſt the Conuſor and his heires.

Sect. 45. *Lincoln. ſs.* PRecipe R. B. geñ, & T. R. & M. vxor̃. eius quod teñ T. B. geñ conuenc' &c. de triginț acr̃ terr̃ę, duabus acr̃ prat̃ tribus acr̃ paſturæ & ſex acris boſc', cum pertinentijs in C. Et niſi, &c.

Et eſt concordia talis, ſcz. quod p̃d̃ R. T. & M recognouerunt tenementa p̃d̃ cum pertiñ eſſe ius ipſius T. B. vt illa quæ idem T. habet de dono pred̃ R. T. & M. Et ill' remiſerũt & quiet̃ clamauer̃ de ipſis R. T. & M. & hered̃ ipſius R. pref. T. B. & hered̃ ſuis imperpetuũ. Et preterea ijdem R. T. & M. conceſſer̃ pro ſe & hered̃ ipſius R. quod ipſi warrañ tñta pred̃ cum pertiñ pretat̃ T. B. & hered̃ ſuis contra p̃d̃ R. T. & M. & hered̃ ipſius R. imperpetuum. Et p̃ hac, &c.

A fine by one and his wife, to one, of the reuerſion of the 3. part of 7. meſſuages of gardens landes, meadow, paſture, and wood after the death of one, with warrantie againſt the Conuſor and his heires.

Sect. 46. *Surr. ſs.* PRecipe T. W. & K. vxori eius, quod iuſte, &c. teneant G. S. conuenc' inter eos fact' de 3. parte 8. meſſuag', 7. gardiñ, 40. acr̃ terr̃, 10. acr̃ prat̃, 20. acr̃ paſtur̃, quinquaginț acr̃ boſc' cum pertiñ in A. B. C. & D.

Et eſt concordia talis, ſcz. quod p̃d̃ T. & K. recogñ tertiam ptem p̃d̃ cum pertiñ eſſe ius pred̃ G. & conceſſ. qd̃ eadem tertia pars cum pertiñ, q̃ M. B. vid̃ tenet ad terminum vitæ ſuæ de heredit̃ ipſius K. die quo hæc concordia facta fuit, & quæ poſt mort̃ eiuſdem M. ad ipſos T. & K. reuerti debuit, remañ pref. G. & hered̃ ſuis imperpetuũ. Ten̄d̃, &c. Preterea idem T. & K conceſſ. pro ſe & hered̃ ipſius K. qd̃ ipſi warrant̃ p̃f. G. & hered̃ ſuis tertiam partem p̃d̃ cum pertiñ ſicut pred̃ eſt contra ſe & hered̃ ipſius R. imppetuum. Et pro, hac, &c.

A fine by a Lord Baron and his wife, to an Archbiſhop and one other, of three manors, meſſuages, toftes, cotages, milles, barnes, gardens, land, medow, paſture, wood, furres, and heathes, of rent, of the aduowſon of a Church, and of the view of francke pledge, with warrantie againſt them and their heires.

Sect. 47. *Midd. ſs.* PRecipe I. L. Militi dño L. & I. vxori eius, quod iuſte & ſine dilatione teneant Reuerendo in Chriſto patri T. Y. permiſſione

permiſſione diuina Archiepiſcopo Eborꝝ Angliæ primati, & G. L. conuenc' inter eos fact' de manerijs de R. K. & M. cum pertiñ, ac de quinquaginꝝ meſſuagijs, quingentis toftis, ducentis cotagijs ſex molendꝝ, quingentis horreis, quingentis gardiñ, quinq; mille acris terræ, mille acris pratꝝ, ſex mille actæ paſturæ, mille acris boſci, decem mille actis iampnorum & bruerꝝ ac de quingenꝝ libꝝ reddiꝫ cum pertin. in R. C. A. alias S. T. V. W. & E. Ac de Aduocatione Eccleſię de E. predꝫ, Ac de viſu franci pleg' de R. C. & A. predꝫ. Et niſi, &c.

Et eſt concordia talis, ſc. quod prędict' I. L. Miles, dominus L. & I. vxorꝝ eius recognꝝ maneria, tenta, redditus, aduocationem, & viſ. franc' pleg. predict' cum pertineñ eſſe ius ipſius T. Y. Archiepiſcopi Eborꝝ, vt il' quæ idem T. Y. Archiepus & G. & L. habeant de dono predꝫ I. L. & I. vxorꝝ eius. Et ill' remiſerꝝ T. Y. Archiepo & G. L. & hæredꝫ ipſi' T. Y. Archiepi imperpetuum. Et vlterius ijdē I. L. & I. vxori eius conceſſ. pro ſe & heredꝫ ipſius L. quod ipſi warrantizabunt manerꝝ, tenta, reddiꝫ, aduocac', & viſ. franci pleg. pdꝫ cum ptin predꝫ T. Y. Archiepo Eborꝝ, & G. L. & heredꝫ ipſius T. Y. Archiepiſcopi contra omnes homines imperpetuum. Et pro hac, &c.

A fine by two to one, of manors, milles, houſes, rents, and common of paſture, with warrantie againſt the conuſors and the heires of them.

ET eſt concordia talis. ſc. qꝙ pdꝫ A. & B. recognꝝ pdꝫ manerꝝ, molendiñ, columbarꝝ, tenꝝ, commꝝ paſturꝝ cū pertiñ eſſe ius ipſius C. vt ill' qꝙ ijdem C. & D. habent de dono ipſorū A. & B. Et ill' remiſerꝝ & quietꝫ clamꝫ de ſe & heredꝫ ipſius A. predꝫ C. & D. & heredꝫ ipſius C. imperpetuū. Et preterea idē A. conceſſit pꝙ ſe & heredꝫ ſuis qdꝫ ipſi warrantꝝ pdꝫ C. & D. & heredꝫ ipſius C. pdꝫ manerꝝ, molendꝫ, columbarꝝ, tenꝝ, reddiꝫ, communiam paſturꝝ, cum pertiñ contra ſe & heredꝫ ſuos imperpetuum. Et vlterius idem B. conceſſit, pꝙ ſe & heredꝫ ſuis, &c. (*vt ſupra.*) Sect. 48.

A fine by one and his wife to one of one manor, of meſſuages, toftes, cottages, barnes, one water mill, a fulling mill, a winde mill, a doue houſe, gardens, orchards, land, meadow, paſture, wood, furres, heath, moore, freſh and ſalt mariſh, rent, free fiſhing, the aduowſon of a Church by turnes, with a generall warrantie.

Deuon. ff. PRecipe I. H. & V. vxori eius quod iuſte, &c. tenꝝ R. P. genteroſ. conuentiōñ &c. de manerio de B. cum pertiñ, ac de viginti meſſuagijs, duobus toftis, ſex cotagijs, 4. horreis, vno molendꝫ aquatico, vno molendino ventritico, vno colum- Sect. 49.

columbario, viginti gardinis, decem pomarijs, centum acr̃ terræ, centum acris prati, mille acris past̃, decem aeris bosci, viginti acris saliceti, centum acr̃ iampnorum & brueræ, viginti acris motæ, viginti acris turbariæ, triginta acris mosset̃, sex acris iuncar̃, xx. acris marisci frisci, & xx. acris marisci salsi, duobus acris alneti, x. marcis reddit̃ cum pertin̄ in B. C. & D. Necnon de liberis piscar̃ in aquis de B. C. & D. Ac de seperali piscar̃ in aqua de S. Necnon de aduocatione eccl̃się de B. alternis vicibus cum acciderit. *Et* nisi, &c.

Et est concordia talis, sc. q̄ pred̄ I. & V. recogn̄ maneria & tenementa, reddit̃, & libr̃ piscar̃ pred̄ cum pertin̄ ac aduocationem prædictam esse ius ipsius R. vt illa quæ idem R. habuit de dono prædictorum I. & V. *Et* illa remisit & quiete clam̄ de ipsis I. & V. & hered̄ ipsius I. prędict' R. & hered̄ suis imperpetuum. *Et* preterea idem I. & V. concesserunt pro se & hered̄ ipsius I. quod ipsi warrant̄ prędicto R. & hæred̄ & assignatis suis pred̄ maner̄, tenementa, redd̄, & libr̃ piscar̃ cum pertin̄, ac aduocac' pred̄ contra omnes homines imperpetuum. *Et* p̄ hac recognitione, remissione, quiet̄ clam̄, warrant̄, fine, & concordia, idem R. dedit predictis I. & V. xl. li.

A Fine by one de honore D. castro vicecomit' de S. cum hundred', insula de D. baronia de D. hundredo de D. burgo de D. vno feod' milit' de D. Scit', ambit' & precinct' of a Monastery, a Manor, the scite of a Manor, a Grange, a Parke, a Prebend, one capitall Messuage, Messes, Tofts, Cottages, a Doue-house, a Fulling-mill, a Water-mill, a Winde-mill, and of diuers other things.

eat. 50. HÆc est finalis, &c. Anno regni, &c. coram, &c. Iustic' et alij domini Reg. fidelibus tunc ibidem præsentibus, inter I. A. quer̄ et M. B. deforc' de honore D. castro vicecomitat̄ de S. cum hundred̄ membris et pertin̄ suis, Insula de D. Baronia de D. hundred̄ de D. Burgo de D. vno. feod̄ milit̄ in D. Scit̄, Ambit̄, et Precinct' nuper monasterij de D. manerio de D. cum pertin̄, Scit̄ manerij de D. grangia de D. parco de D. prebend̄ de D. vno capitali mes. 2. mes. 2. toftis. 2. cottag', 1. columb. 1. molendino fullonico, 1. molend̄ aquatico, 1. molend̄ ventritico, 1. molend̄ granat̄, 1. molend̄ bladar̄, 1. horreo, 1. gard̄ in', 1. pomar̄, 10 acr̃ terr̃, 10. acr̃ prati, 20. acr̃ pasturæ, 4. acr̃. bosci, 40. acr̃ iampnor̄ et brueræ, 30. acr̃ moræ, 50. acr̃ marisci salsi, 9. acr̃ marisci frisci, 30. acr̃ turbar̄, 9. acr̃ iuncar̄, 6. acr̃ alneti, 6. acr̃ mosseti, 4 acr̃ terr̃, aqua cooperт̃, communia past̃ pro omnibus vel omnimod̄ animalib', pro 100. ouibus, 10 æquis, vaccis, porcis, spadonibus, &c. libera warran̄, li-

ber̄

bet̃ piſcar̃,libertate faldagij,libera falda,ciſio,ſalm̃,plumbar̃,aquæ ſalſę puteo,viginꝯ libr̃. 10 marcar̃,decem ſolid̃,vno denario,vno obulo, & quadrant̃ reddit̃.

* Ac reddit̃ vnius paris Chirothecarum,vni⁹ paris calcarium deaurat̃,ſagitte barbate,vni⁹ par̃ calceorũ.vni⁹ vomeris.1.libere cere,1.libr̃ piperis,1.libre cumini,1 claui gariophili,1 roſe rube,1 acus & fili,1. quarterij frumenti,1 quarter̃ ordei,2 bracei caponũ,40 gallorum 20 gallinarum,mille ouorum,& aucarũ cum pertin̄ in D.

Ac de com̄ paſturæ q̄ pred' M.B.habet & habere ſolebat pro omnibus auerijs ſuis in centum acris paſturæ ipſius I.A.in D.

Ac de omnibus vel omnim̄ oblation̄, decemis granorum,garbarũ, fœni, lanę,lini,canabiſ,porcellorum,aucarum,agellorum, &c.& alijs emolumentis quibuſcunque ſpectañ,pertineñ, creſcentibus ſiue exiſtenñ cum pertinentijs in D.

Ac de theolonio,ſtallagio,picagio, pontagio, infra burgum de D. quodam corrodio vinus panis, vnius legenæ ſeruiſiæ ꝑ omn' hominibus in D.

Et de gurgite & curſu aquæ current̃ a loco vocat̃ H.infra & ꝑ terre voc' K.ad molend̃ vocat̃ S.

Wera ſiue veda in D.Ac de viſ.franc' pleg' libertate & francheſijs in D.necnon de cuſtod̃ ſiue officio cuſtod̃ de B.cuſtod̃ parci & foreſte de D. Ac de officio Seneſcalcię de D.Balliua ſiue officio balliuat de D.

Necnon de Nundinis de D.ſingulis annis ad feſta de N.M. ibidem tenend̃,Mercat̃ de D.quiet̃ ſiue libero paſſagio vlrra aquam D.Rectoria de D.Aduocatione,preſentatione,donatione, libera diſpoſitiõ,& iure patronat̃ eccleſiæ de D.quadam portione decimarum aut pentionum in D.

Necnon de meditat̃ manerij de D.cum pertin̄,& de tertia part̃ ten̄t de C.in tribus partibus diuiſ.Excep̄t & omnino reſeruat patronagio vna cum aduocatione Vicarię Eccleſ. de D.& Capell̃ eidem Rectoriæ annex',ac omnibus decimis granorum,viſ.franc' pleg',ac omnib⁹ quæ ad viſ.franc' pleg' pertin̄,wardis,margitagijs,eſchaet̃,catall̃,felonum, wauiat̃,extrahur,felõ,fugitivorum vtlagat̃,attinct' cum terr̃ & tenemen̄t vtlagat̃ & wauiat,quibuſcunque ferijs,mercat̃,wrecc' maris, ac tot & tantis iuribus,iuriſdict',priuilegijs,franchef. & liber̃ ten̄t pręd. aut aliquot eorum concern' & eidem M.B.& hęred' ſuis vt de maner̃ de D.ſpectan'.

Vnde pl̃ conuentionis ſummon̄ fuit inter eos in ead.Curia,ſcz.quod pręd M.recognouit prædict' honorem, caſtrum, vicecomitatum, inſulam, Baroniam, Hundredum, Burgum, feod̃, milit̃, ſcitum, Manerium, Parcum, Prebend', tenement', reddit̃, Communiam paſturæ,

liberam

liberam warrenam, liberam piſcariam, libertat' ſaliñ, plumbarum, bullar' puteum, rector', decimas, oblationes, theoloneũ, ſtallagium picagiũ, pontagium, corrop, gurgitem, viſ. fran, pleg'; libertates, franchef. cuſtod' officium ſeneſchall', balliuat', nundinas, mercatas, feriam, paſſagiũ, wreccum maris, medietatem & tertias partes cum pertiñ: Ac aduocationes, preſentationes, liberam diſpoſitionẽ, ius patron', portion', et pentionem pred' eſſe ius ipſius I. Vt illa quæ idem I. habet de dono p̃d' M. Et il' remiſ. & quiet' clam de ſe et heredibus ſuis pred' I. et hered' ſuis imperpetuum.

Et preterea idem M. conceſſ. pro ſe et heredibus ſuis, qd' ipſe warr' pred' I. et hered' ſuis pred' honorem, caſtrum, vicecomitatum, inſulam, &c. (vt ſupra) contra ſe et hered' ſuos imperpetuum. Et p̃ hac recognitone, fine &c.

A fine of a rent by an Earle and his wife.

Sect. 51. *Notis g. ſo.* PRęcipe I. Comiti H. et domine K. vxori eius Comitiſſæ H. quod iuſte et ſine delatione ten' W. C. conuenc' &c. De quadraginta libr' añ reddit exeuntis de manerijs de E. &c. Et niſi &c.

Et eſt concord' talis, ſcilicet quod prædict' Comes et Comitiſſa recognouerunt reddit pred' cum pertinentijs eſſe ius ipſius W. vt illa quæ idem W. habet de dono p̃dict' Comitis et Comitiſſe. Et il' remiſer' et quiet' clamauer' de ſe et heredibus ſuis præfat' W. et hæredibus ſuis imperpetuũ. Et preterea ijdem Comes et comitiſſa cõcedunt pro ſe et heredibus ipſius Comitis, quod ipſi warrant' redd' p̃d' cum p̃tiñ prefat' W. et hered' ſuis contra omnes homines imperpetuum. Et pro hac &c.

A fine of the third part of a rent by the husband and wife.

Sect. 52. *Suff. ff.* PRecipe R. & I. vxori eius quod teneant H. C. conuenc' &c. de tertia parte quinque libr' ſex ſolid' & octo denar' reddit cum pertinentijs exeũ de manerijs de K. Et niſi &c.

¶ Et eſt concordia talis, ſcz. quod pred. R. & I recognouer' tertiam partem pred' cum pertiñ eſſe ius ipſius H. vt il' quam idem H. habeat dt dono pred. R. & I. Et il' remiſer' & quiet' clamauer' de ſe & heredib' ipſius I. pref. H. & hæred. ſuis imperpetuum. Et præterea idem R. & I. conceſſer' pro ſe & hered' ipſius I. quod ipſi warrant' pref. H. & her' ſuis pred' tertiam partem cum pertiñ contra omnes homines imperpetuũ. Et pro hac, &c.

A fine

A Fine of a Parſonage excepting the aduowſon of the Vicarage of the ſame Parſonage.

PRæc' &c. Coñ, &c. de Rectoria de T. cum pertiñ, excepţ Aduocatione vicar̃ eccleſiæ de T. Et niſi, &c. Sect. 53.

Et eſt, &c. quod p̃d̃ A. recogñ Rectoriam pred̃ cum pertiñ, (excepţ præexcepţ) eſſe ius, &c. Et ill' remiſ. &c. (excepţ p̃ excepţ.) Et præterea idem, &c. conceſſ. pro ſe, &c. quod ipſe warrant̃ prędict' &c. Rectoriã prædict' cum pertineñ (excepţ præexcepţ) &c.

A writ of couenant brought by three againſt three of one manor, ten meſuages, eight cottages, and of land, meadow, paſture, moore, and of rent.

Ebor. PRæc' C. B. & F. vxori eius quod teñ E. D. & R. coñ, &c. de manerio de S. cum pertiñ, ac de x. meſuag', viij. cotag', CC. acr̃ terræ, CC. acr̃ prati, 160. acr̃ paſturæ, 300. acr̃ moræ, & vj. s. redd̃ cum pertinent̃ in A. F. B. & C. Et niſi fecerint, &c. Sect. 54.

A Concord with a Render for life to the husband and the wife being the conuſors of parcell of manors and lands contained in the writ of Couenant, the remainder to the firſt and ſecond begotten ſonne of the conuſors in taile, and to the heires males, and for default of ſuch iſſue, then to the conuſors in generall taile, and for default of ſuch iſſue then to the right heires of the conuſors for euer, with grant and render of ten meſuages, &c. reſidue of the ſame manor, &c. to the ſaid conuſors.

ET eſt concordia talis ſcilicet quod prædictus T. & F. recogñ manerr̃, tenementa, & redd̃ pred̃ cum pertiñ eſſe ius ipſius E. vt ill' quę ijdem E. & R. habent de dono prędict' T. & F. Et illa remiſer̃ & quiet̃ clam̃ de ipſis T. & F. & hæred̃ ipſius F. præfat̃ E. & R. & hæred̃ ipſius E. imperpetuum. Et præterea ijdem T. & F. conceſſer̃ pro ſe & hæred̃ ipſius F. quod ipſi warrant̃ manerium, tenem̃ta, & redd̃ cum p̃tiñ p̃fat̃ E. & R. & hæred̃ ipſius E. contra ipſos T. & F. hæred̃ ipſius F. imperpetuum. Et pro hac recogñ, &c. ijdem F. & R. conceſſer̃ præf. T. & F. manerr̃ de S. p̃d̃ cũ pertiñ ac x. meſuag' viij. cotag' xx. acr̃ terr̃ xx. acr̃ prati, 160. acr̃ paſturę, 300. acr̃ morę, 6. ſolid̃ reddit' cũ pertiñ in A. & F. præd̃, parcellas manerr̃, tenementorum, & redd̃ p̃d̃. Et ill' eis reddider̃ in eadem curia.* Habendum & tenendum prefat. T. & F. pro termino vitæ ipſorum T. & F. & alterius eorum diutius viuent̃ abſque impetitione alicuius vaſti. Et quod poſt deceſſum prædict' T. & F. & eorum alterius diutius viuent̃, prædict' parcell' manerr̃, tenţorum, & redd̃ p̃d̃ cum pertiñ remañ primogenito filio de corporibus præd̃ T. & F. inter eos legitim̃ procreat̃, & hered̃ maſcul' de corpore prædicti primogenit̃ filij & legitime procreat̃. Tenendum, &c. * Et ſi nullus hæres de corpore ipſius primogeniti filij fuer̃ legitime procreat̃, prædict' parcel'

manerr̃,

manerꝰ tentorum, & reddit pred cum pertiñ remañ ſecundo genito filio de corpore pred T.& F. inter eos legitiñ procreat, & hered maſcul' de corpore dicti ſecundi geniti filij legitime procreat. Tenend, &c. Et ſi nullus heres de corpore ipſius ſecundi geniti filij fuerꝰ legitime procꝰ, tunc predict' parcell' manerꝰ, tenementoꝝ, & redd pred cum pertineñ remañ hered de corporibus ꝑd T. & F. inter eos legitime procreat. Tenend, &c. Et ſi nullus heres de corporibus ipſorum T.& F. inter eos fuerunt legitiñ procreatus, tunc ꝑd parcell' manerꝰ, teñtoꝝ, & redd ꝑd cum pertiñ remanerꝰ inde rectis hered ipſorum T.& F. imperpetuũ. Tenend, &c. Et vlterius ijdem E. & R. conceſſ pref. T. & F. decẽ meſſuag' &c. cum pertin' in B. & C. pred reſiduum ꝑd manerꝰ tentoꝝ & redd predict'. Et ill' eis redd in eadem Curꝰ.

A fine of one acre of land, homage, rent, and ſeruices.

Sect. 56. *Salop.* PRæcipe E. T. armig. quod ten' N. P. con' de vna acꝰ terꝰ, & quindecim ſolid redd cũ pertin' in G. & F. Et niſi &c. Et eſt concordia talis, ſc. quod pred E. T. recognouit ꝑd acꝰ terꝰ cũ pertinentijs eſſe ius ipſius N. vt ill' quã idem N, habeat de dono pred E. Et ill' remiſit & quiet clam de ſe & heredibus ſuis perf. N. & heredibus ſuis imperpetuum. E ꝑd E. conceſſit, ꝑf N. pred' redd ſimul cũ homagio & toto ſeruicio I. H. & heredum ſuorum de tot tentis quot pred E. prius tenuit de F. ꝑd. Habend', precipiend' & gaudend' ꝑd reddit ſimul cum homagio & toto ſeruitio ꝑd N. & hered' ſuis imperpetuũ. Et ꝑd E. & hered' ſui warrant ꝑd N. & hered' ſuis pred' acꝰ terꝰ & redd' prædict' cum pertin' ſimul cum homagio & toto ſeruitio ꝑd ſic (vt dictum eſt) contra omnes homines imperpetuum. Et pro hac, &c.

A Fine of a Manor and ſixe Knights fees, homages, and ſeruices in the ſame Manor, by the husband and the wife, and others.

Sect. 57. INter H. W. & I. B. querꝰ, & T. M. militẽ & T. filium eiuſdem T. & E. vxorem eiuſdem T. filij, & W, M. deforc', de manerio de T. cum ptiñ, vnde placitum conuentionis ſumm fuit inter eos in eadem curia, ſcil. quod pred' T. T. E. & W. recogñ predict' manerium cum pertinent eſſe ius ipſius H. vt illud quod ijdem H. & I. habeant de dono pred' T. T. E. & W. vna cum ſeptem feodis Militum in eodem manerio. Et conſeſſerꝰ pred H. & I. pred maneriũ & feod cum pertinent ſimul cum homagijs & omnibus ſeruitijs M. W. & I. N. & heredum ſuoꝝ, de tot tenemẽtis quot de pred' T. T. E. & W. prius tenuerunt in eodem manerio. Et ill' eis redd in eadem curia. Habendum & tenend ijſdẽ H. & I. & hered ipſius H. de capit dominis feodi illius ꝑ ſeruitia que ad pred manerũ & feoda pertinent imperpetuum. Et preterea ijdem T. T. E. & W. conceſſe-

cesserunt pro se & hered ipsius *E.* quod ipsi warr pd H. & I. & hered ipsius H. pd manerium & feoda cum pertin sicut pdict' est contra omnes homines imperpetuũ. Et pro hac recognitione, concessione, warrant, fine & concordia, ijdem H. & I. dederunt preḍ' T. T. *E.* & W. viginț libr strelingorum.

An old fine in Frankalmoine of the aduowson of a Church, knowledged to a Priour and his Church before Iustices in Eyre, in Anno 55. of King Henry *the third.*

HEc est finalis concordia facta in cur domini Regis apud Lincoln Sect. 58.
in octab. sancti Mich. Anno regni regis Henrici filij Regis Io. 55.
coram R. A. G. P. W. W. W. H. & I. O. Iusticiarijs itinerantibus & alijs domini Regis fidelibus tunc ibidẽ psentibus, inter I. D. petent, & Priorem de C. deforc', de aduocac' Eccleſiæ de D. cum pertinen' vnde placitum conuenc' summ fuit inter eos in eadẽ cur scz. qd pd I. recognouit pd aduocation cum ptin' esse ius ipsius Prioris & Eccleſiæ suæ sancti Mar de C. vt illã quam idem prior & eccleſia sua habent de dono W. filij W. anteceſſoris ipsius I. cuius hæres ipse est: habend & tenend idem priori & succeſſoribus suis & eccles. suæ pd, de pd' I. & heredibus suis in puram & perpetuam eleemosinã, liberam & quiet ab omni seruitio seculari & executione imperpetuũ. Et pd I. & hered' sui warrant, acquietabunt, & defend' eidem priori & succeſſ. suis & eccles. suæ pred' aduocation cum pertin' &c. Et p hac &c. idem prior remitt pred I. singulis beneficijs & orationibus quæ de cetero fient in eccleſia sua pred' imperpetuum.

A Concord of one meſſuage, &c. in the countie Palantine of Lancaſter.

Lancaſter HEc est finalis concordia fact. in cur dom Reg. apud L. Sect. 59.
die lune in quinta septimana quadrageſimæ, anno regni Eliz. dei gratia Angliæ, Franciæ, & Hibern, Regin' fidei defensoris &c, triceſimo secundo, coram I. Clench tertio Baron' Scaccar dom Regin' & F. R. vno seruientium dom reg. ad legem Iust. dom reg. apud L. & alijs dict' dom reg. fidelibus tunc ibi preſentibus inter H. T. & R. H. quer & W. C. gen' deforc', de vno meſuagio &c. cũ pertin' in T. vnde placitum conuentionis summ fuit inter eos in eadem curia, scz. quod predict' W. recognouit &c.

A leaſe for yeares by fine, if one of the cogniſors liue ſo long reſerning a rent.

Ebor. ff. PRæcipe *F. T.* & M. vxori eius, quod iuste &c. ten' I. H. Sect. 60.
& K. vxori eius conuenc' &c.

Et

Et eſt concordia &c. ſcz. qd pred' *E.* & M. conceſſ. pred' I. & K. tenem̃t pred' cum pertin'. Habend' & tenend' eidem I. & K. a feſto &c. qd erit in anno &c. complend', ſi pred' M. tam diu vixerit. Reddend̄ inde ad feſta &c. p equales porciones ſoluend̄, durante toto termino p̄d &c. Et ſi contingat &c. *Quere* whether this be a good leaſe at this day againſt iſſue in taile.

A leaſe for yeares by fine of one meſſuage and free fiſhing, reſerving a rent with a clauſe of diſtreſſe, with a grant of the reuerſion of the ſaid meſſuage and free fiſhing vnto one of the conuſors in fee.

Sect. 16. *Ebor. ſi.* PRecipe T. P. armig', C. gen', qd iuſte &c. ten̄ I. W. & *E.* M. conuenc' &c. de vno meſſuag' &c. cum p̄tiñ in H. & B. ac de libera piſcaria in aqua de B. Et niſi &c.

Et eſt concordia talis, ſcz. qd pred' T. & W. cognouer̄ tenemen̄t & liberam piſcariam predict' cum pertinen̄t eſſe ius ipſius I. vt ille que idem I. & *E.* habent de dono præd̄ T. & W. Et ill̄ remiſ. & quiet̄ clam̃ de ſe & hered̄ ſuis præfat̄ I. & *E.* & hered̄ ipſius I. imperpetuũ. Et preterea ijdem T. & W. conceſſer̄ pro ſe & hered̄ ipſius T. qd ipſi warr̄ ten̄t & liber̄ piſcaria pred̄ cum pertin' præfat̄ I. & *E.* & hered̄ ipſius I. contr̄ omnes homines imperpetuũ. Et pro hac recognic', remiſſione, quiet̄ clam̃, warrant̄, fine, & concordia, ijdem I. & *E.* conceſſer̄ præfat̄ W. ten̄ũ & libr̄ piſcar̄ præd̄ cum pertinentijs. Et ill̄ ei reddider̄ in eadem cũr̄. Habend̄ & tenẽd̄ tenementa & liberam piſcariam præd̄ cum pertin' præfat̄ W. & aſſign' ſuis, a feſto ſancti Martini in hyeme vltim̃ præterito, vſque ad finem termini ſexaginta annor̄ extunc proxim̃ ſequen̄ & plenarie complend̄. Redden̄d̄ inde annuatim p̄fat̄ I. & *E.* & hered̄ ipſius I. quendam annuã reddit̄ 3. ℔ 6. s̃ 8. d. legalis monetæ Angliæ, ad feſta ſancti Martini epiſcopi in hyeme & P. p equales porciones duran̄t termino pred̄ ſoluend'. Et ſi contingat predict' annuã reddit̄ 3. ℔. 6. s. 8. d. aretro fore in parte vel in toto poſt aliquod feſtum feſtorum predictor̄ quando vt preferturꝰ ſolui debeat non ſoluꝰ p ſpacium viginti dier̄, qd tunc bene liceat & licebit pręfat̄ I. & *E.* & hered̄ ipſius I. in tenem̄t predict' cum pertiñ intrare & diſtringere, diſtrictiones̄que ſic ibidem capt̄ & habitas licite aſportare, effugare, abducere, & pœnes ſe retinere, quouſque de predict' annuã reddit̄ 3. ℔ 6. s. 8. d. vna cum arreragijs eiuſdem ſi quę fuerint ſibi plenarie fuerit ſatisfact' & perſoluꝰ. Conceſſer̄ etiam predict' I. & *E.* prefat̄ T. tam reuerſion̄ tenementor̄ & libere piſcarie predict', cum pertinentijs, quam predict̄ reddit̄ 3. ℔ 6. s. 8. d. ſuperinde reſeruat̄. Et illa ei reddider̄ in eadem cur̄. Habend̄ et tenend' tam reuerſion̄ tenementorum et liber̄ piſcar̄ pred̄ cum pertin', quam predict' reddit̄ 3. ℔ 6. s. 8. d. ſuperinde reſeruat̄ pręfat̄ T. et hered' ſuis imperpetuum. Tenend' &c. *vt ſupra.*

A leaſe

A Lease for yeares by fine by one and his wife.

Eber. ff. PRæcipe C. & A. vxorem eius, quod iuste, &c. ten̄ W. S. & I. vxori eius, conuenc', &c. de, &c. expressing the tenements, &c. Sect. 62.

Et est concordia talis, scz. quod p̄d̄ C. & A. recognouer̄ ten̄t p̄ed̄ cum pertinentijs esse ius ipsius W. vt illa quæ ijdem W. et I. habent de dono præd̄ C. et A. Et ill' remiser̄ et quiet clam̄ de se et hæred̄ suis p̄fat̄ W. & I. & hered̄ ipsius W. imperpetuum. Et prætorea, &c. Et pro hac, &c. pred̄ W. et I. concesser̄ tenta p̄d̄ cum p̄tinentijs p̄fat̄ C. et A. et ill' eis reddider̄ in eadem cur̄. Habend̄ et tenend̄ tenement̄ p̄ed̄ cum pertineñ p̄fat̄ C. et A. et assignatis suis, à festo S. Mich. Archangeli vltim̄ p̄terito, vsque ad finem termini et p̄ termiñ xl. annor̄ tunc p̄xim̄ sequeñ et plenariè complend̄. Et preterea ijdē W. et I. et hęredes ipsius W. warrant̄ ten̄t predict̄ cum pertiñ præfatis C. et A. et assignatis suis, durant̄ t̄mino pred' contra omnes homines. Et pro hac, &c. *vt supra.*

A lease by fine made by Tenant for life for xxi. yeares, if she liue so long, reserning a rent, with a clause of distresse, the reuersion granted to the Conusors, and after the terme ended, then to one P. for xxi. yeares, reseruing a redde Rose, and after the end of that terme, the remainder to E. and M. in fee.

Eber. ff. PRæcipe I. P. gener̄ et E. vxori eius, et R. L. armig' qd̄ ten̄ I. M. conuenc' &c. Sect. 63.

Et est concordia talis, scz. quod cum p̄redict' I. P. et *E.* habent et tenent sibi pro termino vitę ipsius *E.* p̄redict' tenement̄ et piscar̄ cum pertinent̄, reuersione inde post decessum ipsius *E. W. T.* et hæred' suis spectant̄, ijdem I. P. et *E.* et R. concesser̄ p̄fat̄ I. M. p̄redict' tenement̄ et piscar̄ cum pertinentijs. Habend̄ et tenend' eidem I. et assignatis suis tota vita ipsius *E.* * Et prætera p̄redict' I. P. & E. & R. warrant̄ p̄fat̄ I. M. et assignat̄ suis ten̄ta & piscar̄ predict' cum pertinent̄ sicut dict̄ est contra p̄redict' I. P. et *E.* tota vita ipsius *E.* Et pro hac concess. warrant̄, fine, et concordia, idē I. M. concessit p̄fat̄ R. tenement̄ et piscar̄ p̄redict' cum pertinent̄ et illi eireddidit in eadem curia. * Habend̄ et tenend̄ ten̄t et piscar̄ p̄redict. cum pertinentijs eidem R. pro t̄mino 21 annorum proxim̄ sequeñ et plenariè complend̄. si eadē *E.* tam diu vix. erit. * Reddend̄ inde annuatim p̄fato I. M. et assignat̄ suis 14. libr̄ ad festa &c. per equales portiones annuatim soluend̄ tota vita ipsi' *E.* Et si contingat &c. concessit etiam p̄redict' I. M. p̄fatis I. P. et *E.* reuersionem tenementorum et piscariæ p̄redict. cum pertinentijs, & redditū p̄redict̄ superinde reseruat̄, et ill' eis reddid' in eadem curia. * Habend'

& tenend eisdē I.F.et E. de capitalibus dominis feodi illius p seruitia quę ad prædē tenementē et piscar prædict' cum pertinentijs pertinent, tota vita ipsius E. *Et post terminum illum finitum, tenementē prædict' cum pertinentijs integrè remanebūt P. & assignat suis pro termino 21. annorum post festum Sancti Martini in hyeme proxm futur immediat sequen et plenarie complend. *Reddend inde annuatim præfatis P. & E. et hæred ipsius P. toto termino prædict' vnam Rosam rubeam ad festum Sanct Iohan Bapt. annuatim soluend si petatur. *Et post terminum illum finitum, tenementa prædict' cum pertinentijs integre remanebunt præfat E. & M. et hæred ipsius E. imperpetuum, de capital' dominis feod ill', per seruitia quæ ad prædict' tenementum pertinent imperpetuum.

A Lease to the wife for xxi. yeares of two messuages, to commence after her husbands death reserving a Rent, with a clause of distresse, the Cognisees grant backe the same reuersion and rent to the Cognisors in fee.

South. ff. PRæcipe C.C.armig' & D. vxori eius, et R.B. gener quod teneant H.M. et C.M. conuenc' &c. de duobus messuag' cum ptin in parua S. Et nisi, &c.

Et est concordia talis, scz. q prædict' C. et D. et R. recogn tenta pd cum pertinenrijs esse ius ipsius H, vt ill', &c. Et ill' remiser, &c. Et præterea, &c. Et pro hac &c. pręd H. et C. concesser præfat R. tenement pd cum ptinentijs. Et ill' ei reddider in eadē cur. *Habend & tenend tenementa prædict' cum pertinen præfat R. tota vita ipsius R. & immediate post decessum ipsi' R. tenem pd cum pertinentijs integre remanebunt M. vxori ipsius R. executoribus vel assign suis pro termino 21. annorum extunc pxim sequen & plenarie complend. Reddend inde annuatim præfat H. & C. et hæred ipsius H. quandam annuitatē siue annual' redditum v. libr legalis monetæ Angl ad festa Sancti Martini Episcopi & Pent per equales porciones annuatim durant eodem termino soluend, prima solutione inde incipiend ad pxim festū festorū predictor post decessum pd R. *Et si contingat pd annuit siue annual' reddit quinque libr aretro fore, &c. *Concesser etiam pd H. et C. pfat C.C. et D. tam reuersionem tenement cum pertinent, quam pd reddit v. libr superinde reservat. Et ill' eis reddiderunt in eadē curia. Habendum, tenendum, & percipiendum, prędictam reuersionem tenementor predictorū cum pertinentijs et redditum pdictum præfat C. C. & D. & heredibus ipsius D. imperpetuum.

I.R. being tenant in generall taile in poſſeſſion, the reuerſion in fee to C. and T. the ſame C. and T. by fine graunt the land to M. and E. and the ſaid M. and E. render the ſame againe to the ſaid T. Habendum from a certaine Feaſt next after the death of the ſaid I. without heire of his bodie for the terme of 1500 yeares, reſerning one penie rent, and after the end of the terme to T.P. one of the ſonnes of the ſaid T. for euer.

Ebor. ff. PRecipe, &c. C.N. et T.T. qd ten' M.B. et E.D. conuenc' &c. de, &c. Et niſi. &c. Sect. 65.

Et eſt, &c. q̄ cum I. R. habet et tenet ſibi et hæred' de corpore ſuo legitime ꝓcreat' tenꝫ pred' cum ꝑtinentijs reman' inde poſt deceſſum ipſius I. ſi idem I. obierit ſine herede de corpore ſuo legitime ꝓcreat' pf. C. et hered' ſuis ſpectāt, ijdem C. et T. conceſſer' tenementa pd' cum pertin' pred' M. et E. et hered' M. imperpetuum. Tenend', &c. Et pd' G. et hered' ſui warr' pf. M. et E. et hæred' ipſius M. tenem̄ pred' cum ꝑtinentijs ſicut pd' eſt, contra omnes homines imperpetuum. Et ꝓ hac conceſſione, reddition', warr', fine et concord', ijdem M. et E. cōceſſer' pd' T. tenꝫ pd' cum ꝑt, & ill' ei redd', &c. Habend', &c. eidem T. et aſſignis ſuis, a feſto S. Martini in hyeme ꝓxim̄ poſt deceſſum pd' I. ſi idem I. obierit ſine herede de corpore ſuo legitime ꝓcreat' vſq; fin̄ termini et ꝓ termino mille & quingent' annorum ex tunc ꝓxim̄ ſequen' et plenarie complend' abſque impetitione alicuius vaſti. Reddend' inde annuatim pfat' M. et E. et hered' ipſius M. vnum denar' ad feſtum &c. annuatim ſoluend' toto termino pdict' ſi petatur. Et poſt terminum illum finitum, prædict. tenementa cum pertinent' integre reman' P.T. vni filiorum prędict' T. et hered' ipſius P. imperpetuum, &c. vt *ſupra.*

A Leaſe of a meſſuage by fine for yeares to begin at a time to come, with a clauſe of diſtreſſe.

North. ff. PRecipe A.B. et E. vxori eius, qd ten' C.D. conuenc', &c. de vno meſſuag. &c. Sect. 66.

Et eſt concordia talis ſcz. qd pd' A.B. et E. conceſſ. tenem̄ pred' cum pt̄ pref. C.D. et aſſignatis ſuis, Et illa in eadem cur' pref. C.D. redd': Habend' et tenend', eidem C.D. a feſto Pentec. q̄ erit in anno dom̄ 1597. vſq; finem termini viginti vnius annorum extunc ꝓxim̄ ſequen' et plenar' complend': Reddend' inde annuatim pref. A.B. et E. et hered' ipſi' E. ſeptem libr' legalis monet', &c. ad feſta S. Martini Epiſcopi in hyeme, N.A.P. equis portionibus annuatim durante termino pd' ſoluend'. Et ꝓ hac, &c.

A clause for one messuage, &c. to dure for 99. yeares, if the lessee his wife, and two others liue so long, reserning a rent, and the best Beast after the death of euery tenant in name of an Heriot, with a clause of distresse for the same rent and Heriot, and after granteth the reuersion to the lessor and his wife.

Lond. ff. PRæcipe I.R. armig' & M. vxori eius, & T.B. quod ten̄ R.C. & V.C. conuenē de vno messuagio, &c.

¶ Et est concordia talis, scz. quod p̄dict' I.M. & T. recogn̄ tenta p̄d' cum ptin̄ esse ius ipsius V. vt ill', &c. cum relaxatione et warr̄. Et pro hac, &c. idem R. et V. concesser̄ p̄fat' T.B. p̄dict' tenementa cum ptin̄, Et ill' ei reddiderunt in eadem curia. Habend' et tenend' eidem T. et assign̄ suis, a festo natalis dn̄i p̄xim̄ futur̄, vsq; ad finem termini nonaginta annorum tunc p̄xim̄ sequen̄ et plenarie complend', si idem T. & Iuxor eius, B.B. & T.B. filij ipsius T. tam diu vixerint, aut eorū aliquis tam diu vixerit. Reddend' inde annuatim p̄d' R. et V. et hered' ipsius V. quatuor libr' legalis monet' Anglie, ad festa Annunciationis beatæ Mariæ virginis, nativitatis Sancti Ioh. Bapt. S. Michaelis Archang. et natiuit' dn̄i, per equales porciones annuatim soluend' toto termino p̄d', ac soluend' post decessum I.B. patris, et post decessum cuiuslibet inde tenentis sui, optim̄ animal nomine herriot'. Et si contingat p̄d' redd' 4. li. arbitrio forē in parte vel in toto post aliq̄d festū festorū pred' quo vt pref. solui debeat' nō solut', aut si contingat pred' optimū animal nomine herriot' vt p̄fert soluend' post decessum cuiuslibet tentium premissor' fore insolut' aut subtract'. Quod tunc bene licebit p̄d' R. et V. hæred' ipsius R. in pred' tenem̄t' cum pertinen̄ intrare et distringere, districtiones̄q; sic ibidem capt' et habit' licite abducere, asportare, et effugere, ac penes se retinere, quousq; de præd' redd' 4. li. et arreragijs eiusd' (si quæ fuerint) vna cum optimo animali pred' quando contin̄ plenarie fuerint satisfact' et persolut'. ¶ Concesser̄ etiam præd' R. & V. præd' I. et M. reuersionē tenementor' pred' cum pertin̄ et præd' reddit' 4. li. ac pred' redd' optimi animalis nomine herriot' superi' reseruat'. Et illa eis redd' in ead' curia. Habend' et tenend' eisd' I. et M. et hered' ipsius I. et M. et hered ipsius I. de capitali dn̄o feod' ill' imperpetuum, &c.

A Lease for yeares to one of the Conusors of one messuage, &c. reserving rent, with a nomine poene and a distresse for the rent and paine, with a grant of the reuersion to one of the Conusors and his wife in generall taile.

Midd. ff. PRæcipe H. Parmig' et vxori eius, et R.B. quod teneant I. R. & T.S. conuenc' de vno messuag' &c.

Et

Et eſt concordia talis, ſcilicet, quod predict', E.P. & M. & R.B. recogñ tenementa prędict' cum pertiñ eſſe ius ipſius I. vt ill' quæ iidem I. & T. habent de dono prædict' E.M. & R. (cum relaxac' et warrant') Et ꝑ hac &c. ijdem I. et T. conceſſ. præfat' R. tenementa prædict' cum ꝑtinentijs, Et ill' ei reddider' in eadem curia: Habend' et tenend' eidē R. à feſto Sancti Mich. vltimo ꝑterito ꝑ termino triginꝯ vnius annorum extunc ꝓxim' ſequeñ et plenariè complend'. *Reddend' inde annuatim prædict' I. et T. et her' ipſius I. viginti libr' legalis monetæ Angliæ, ad duos anni terminos, viz, ad feſtū Annunciationis beatæ Mariæ virginis & Sancti Michaelis Archang' per æquales porciones annuat' ſolūend' toto termino ꝑdict'. * Et ſi contingat prędict' redd' xx. li. aut aliquam inde parcellam aretro fore in parte vel in toto poſt aliquod feſtū feſtor' prædict' quo vt ꝑfert' ſolui debeat non ſolut' ꝑ ſpaciū quadraginta dierum, ꝙ tunc forisfaciet prædict' R. predict' I. et T. et hæred' ipſius I. v. li. nomine pœnæ, et quod tunc et toties bene licebit ꝑd' I. et T. et her' ipſi' I. in predict' tenementa cum pertinentijs intrare et diſtringere diſtrictioneſq; ſic ibid' capt' et habitas licit' abducere, aſportare, effugare, ac penes ſe retinere, quouſque tam de ꝑd' xx. li. quam de ꝑd' quinque libr' nomine pœnæ, vt ꝑfert' forisfact' cum areragijs earū (ſi quę fuer') plenarie fuerit ſatisfact' et perſolut'. *Conceſſer' etiam ꝑd' I. et T. ꝑd' E. et M. ꝑd' tenementa cum pertinentijs, ac ꝑd' reddit' xx. l. ſuperinde reſeruat' ac pred' ſummam quinque librarum nomine pœnæ. Et ill' eis reddider' in eadem curia. Habend' et tenend' eiſdem E. & M. & her' de corpore ipſius E. legitime ꝓcreat'. Tenend', &c. Et ꝑ defectu talis exit' remañ inde W. W. et hered' ſuis imperpetuum. Tenend', &c.

A Fine with grant and render of the moitie of a manor to the Conuſor for terme of life, without impeachment of waſt, and for ſixteene yeares after her death, then the one moitie of the ſame moitie, to one in fee, and the other moitie of the ſaid moitie to another in fee.

Ebor. ff. PRecipe E. A. vid' nuper vxori W. A. Mil' defunct' qd' teñ T. F. conuenc' de medietate manerij de H. &c. Sect. 69.

Et eſt concordia talis, ſcilicet, ꝙ cum E. A. recogñ, &c. Et ꝑ hac, &c. idem T. F. conceſſit prefat' E. A. medietatem predict' cum ꝑtinentijs. Et ill' ei reddidit in eadem Curia. Habend' et tenend' predict' medietatem maner' &c. predict' E. A. ꝑ termino vitæ ſuæ ipſius E. abſque impetitione alicuius waſti de capitalibus domini feodi illius ꝑ ſeruitia quæ ad prędict' medietatem pertinent tota vita ipſius E. & ꝑ termino ſexdecim annorum extunc ꝓxim' ſequeñ poſt mortem prędict' E. Et poſt mortem predictæ E. et poſt pred' termiñ ſexdecim annor' finitum & determinat', quod tunc vna medietas prædict' medietatis manerij

pred' &c. cum ptiñ remañ B.G. modo vxori G. armig', & hered' ipsius B. Tenēd de, &c. Ac altera medietas p̄d medietat̄ manēr, &c. p̄d cū pt̄ remañ E.G. modo vxori N.G. et hered' ipsi° E. Tenēd de capitat̄, &c.

A Render of three messuages to one of the Conusors for life, the remainder to one of his heires males, the remainder to another and his heires for euer.

Sect. 70. *Essex ss.* PRecipe N.A. et W. quod ten̄ R.C. et T.C. conu' de tribus messuag'.

*Et p̄hac, &c. ijdem R. et R. conc' p̄f. W. ten̄t cum pertinentijs. Et il'i ei redd' in cur': Habēd et tenēd' eid' W. et assign̄ suis. Tenend de capit dn̄is feodi illi° p̄ seruitia quæ ad p̄d tenta ptinent, tota vita ipsi° W. et post decessū ipsius W. ead' tenem̄t cū pertin' integr̄ remanebunt I.C. et hær̄ masculis de corp' ipsi° I. legitime p̄creat. Tenend &c. Et si nullus heres sit de corp' ipsius I. legit̄ p̄cr̄, tunc ead' tenem̄t cū pertiñ integ' remañ I.C. fratri p̄d I. et her̄ suis imp̄pet. Tenend, &c.

An estate for life to the Conusor, and after his death to one I.W. whom the Conusor intendeth to take to his wife, for her life in the name of a iointure, and after her death to the heires males of the bodie of the Conusor.

Sect. 71. ET est concord' talis, &c. Et post decess. ipsi° I. p̄d &c. cū p̄tiñ integr̄ remaneb. I.W. filiæ I.W. nomine iūctur̄, q̄ (deo dante) id̄ I.C. ducet in vxor̄. Tenend de capitat̄ &c. tota vita ipsius Ia. et post decessum ipsi° I. p̄d, &c. cum pertiñ integr̄ remaneb. hered masculi° de corpor̄ p̄d I.C. legitim̄ p̄creat̄. Tenend de capitalibus dominis, &c.

A Fine of diuers maners, messuages, and rent, the which the Conusees do render againe to the Conusors, to the vse of the wife of the Conusor for her life.

Sect. 72. *Ebor. ss.* PRec' T.C. armig', W.R. arm̄ T.P. ar̄, et L.B. gen̄, quod &c. ten̄ I.D. et E. vxori eius conuenc' de manēr de C.N. et E. cum pertiñ, ac de ducentis mess. &c. et de x. lib̄ reddit̄ cum pertinent̄ C.N. & B. Et nisi, &c.

Et est concordia talis, scz. q̄ p̄d T.C. W. R.T. P. et L. recog' manēr, ten̄t, et reddit̄ p̄d cum pertiñ esse ius ipsius I. Et il'i remis. et quiet̄ clam̄ de se et de heredibus suis prefat̄ I. et heredibus ipsius I. imperpetuū. Et p̄hac, &c. ijdem I. et E. concessēr̄ pred T.C. W.R.T.P. et L. pred' manēr, tenement̄, et reddit̄ cum pertinen̄, et il'i eis reddidēr̄ in eadem Curia. Habend et tenend eisdem T.C. W.R.T.P. et L. tota vita ipsius E. Et prædict̄ I. et hered' sui warrant̄ predict̄ T. C. W.R. T. P. et L. pred

ꝑdicta mañiã, tenementa et redd' cum pertiñ ſicut dictum eſt, contra omnes homines durant̃ vita pred' E. &c.

A fine of meſſuages, cottages, lands, meadow, paſture, wood, heath, ſinge, rent of a Perſonage, and of the aduowſon of a Church.

HEc eſt finalis concordia facta in Curia dñi Reg' apud W. à die P. in quindecim dies, Añi Reg' Iacobi Dei gratia, A. S. F. et H. Reg' fidei defenſoris &c. à conqueſtu tertio, coram E. A. T. M. F. W. W. P. Iuſtic' & alijs dñi Reg' fidelib⁹ tunc ibi preſentib⁹, inter I. B. geñ & R. gener̃ querent̃, et R. C. ſenior̃ armig', et R. C. de Grayes Inne in comit̃ Midd' gener̃ deforc' de centũ meſſuag', centũ cotagijs, duob⁹ millibus acr̃ terr̃, mille acr̃ prati, duobus millib⁹ acr̃ paſtur̃, centũ acr̃ boſci, mill̃ acr̃ iampnor̃ et bruere, & centũ ſolidis reddit̃ cum ptin' in &c. Necnon de Rectoria de K. cum pertin'. Ac de aduocatione Eccleſiæ de K. vnde placit̃ conuẽc' ſumm̃ fuit inter eos in ead' Cur̃, ſc. ꝙ p̃d̃ R. et R. recognouer̃ p̃d̃ teñta, redd', et rectoriã cum ptin', ac aduocationem pred' eſſe ius ipſius I. vt illa quę idem I. & R. habent de dono pred' R. & R. Et il̃ remiſer̃ et quiet̃ clam̃ de ipſis R. et her̃ ſuis pred̃ I. & R. et hered' ipſi⁹ I. imperpetuum. * Et p̃terea ijdẽ R. et R. conceſſ. p̃ſe et her̃ ipſius R. C. ſenioris, ꝙ ipſi warrant̃ p̃d̃ I. et R. et her̃ ipſius I. pred' teñta, redd⁹ & rectoriam cum ptin' ac aduocat̃ pred' contra pred' R. & R. et hered̃ ipſius R. C. ſenior̃ imppetuum *Et p̃ hac recogñ, remiſſion', quiet̃ clam̃ warr̃, fine, & concordia, ijdem I. et R. dederunt pred' R. et R. duo mille libr̃ ſterlingorum. Sect. 73.

A fine by the husband and his wife of the lands of the wife, with grant and render of the 4. part of two meſſuages, foure toſts, two gardens, two orchards, two hundred acres of land, twenty acres of medow, fortie acres of paſture, twelue acres of wood, and an hundred acres of moore in 4. parts diuided, the conuſors do grant the ſame againe to the Conuſees for their liues, without impeachment of waſt, and after their deathes to one of their ſonnes in general taile, and for default of ſuch iſſue, then to one other of the Conuſees ſonnes in general taile, and for default of ſuch iſſue, then to the third ſonne of the Conuſees in general taile, and for default of ſuch iſſue, to the right heires of the wife of the conuſor for euer.

HEc eſt finalis concord' facta in Cur̃ dñi reg' apud Weſt. in Octab. S. Mich' Añi reg' Iacobi dei gratia Ang', Scotiæ, Franc', & Hiber̃ reg' fidei defenſ. &c. à cõqueſtu tertio, coram R. A. T. W. R. W. et T. L. Iuſt' & alijs dñi reg. fidelibus tunc ibid̃ p̃ſentibus, inter G. I. et W. W. quer̃, & I. C. & I. vxor̃ def. de quarta parte, 2. meſſ. 4. toft, 2. gard̃, 2. p̃. ducẽt acr̃ ter̃, 20. acr̃ prat̃, 40. acr̃. paſt. 12. acr̃ boſc', & 100. acr̃ more cũ pertiñ Sect. 74.

pertiñ in G. et L. in quatuor ptes diuiſ. vnde placit conuentionis ſumm̃ fuit inter eos in ead̃ curia, ſcili. q̃ præd' T. & I. recogn̄ prędictam quartam partem cum pertiñ eſſe ius ipſi' G. vt illam quam ijdem G. et W. habent de dono predict' I. et I. Et illam remiſſ. & quiet' clam̃ de ipſis I. & I. & hered̃ ipſius I. præd̃ G. et W. et hered' ipſius G. imperpetuum. Et p̃terea ijdem Io. & Ia. conceſſerunt p̃ ſe & hered' ipſi' Ia. quod ipſi warrant̃ prædict' G. & W. et hered' ipſi' G. prędd̃ quartam partem cum pt̃iñ contr̃ pred̃ ſ. & I. et hered̃ ipſius Ia. imperpetuum. * Et p̃ hac recogn̄, &c. ijdem G. & W. conceſſerunt prędict' I. & I. prædict' quartam partem cum pt̃iñ, Et ill' eis reddider̃ in eadem cur̃. Habend' et tenend̃ eiſdem I. & I. de capitalib' dñis feodi illius per ſeruitia quę ad prędict' quartam partem pertinent tota vita ipſorum I. & I. & eorũ alterius diutius viuent̃ abſq; impetitione alicuius vaſti. Et poſt deceſſum ipſorũ I. & I. præd̃ quarta pars cum pertinen' integre reman' B. C. filio predictor̃ I. & I. & hered̃ de corpore ipſius B. legitime p̃creat'. Tenend̃ de capitalibus dñis feodi illius, &c. imperpetuum. * Et ſi contingat qd̃ idem B. obierit ſine hered' de corpore ſuo legitime p̃creat', tunc poſt deceſſum ipſius B. p̃d̃ quarta pars cũ pt̃in' integre remañ P. C. al' fil' p̃d̃ I. & I. et hæred' de corpore, &c. Tenend̃ de capital' &c. imperpetuum. * Et ſi contingat q̃ idem P. obierit, &c. tunc poſt deceſſum ipſius P. p̃d̃ quarta pars integre remañ R. C. al' fil' predict' I. & I. & hered' de corpore &c. Tenend' de capitalibus, &c. imperpetuum. Et ſi contingat q̃ idem R. obierit, &c. tunc poſt deceſſum ipſius R. p̃d̃ quarta pars cum pertin' integre reman' rectis hered' predict' Ia. Tenend' de capitalibus dñis feodi illius, per ſeruitia quæ ad prędict' quartam partem pertinent imperpetuum, &c.

A Fine of one meſſuage, and of a third part of foure meſſuages in three parts diuided, part in poſſeſſion, and part in reuerſion, of a third part for terme of the life of the tenant in Dower, and for terme of life of another tenant for terme of life.

Eber. ſſ. PRæcipe I. W. & A. vxori eius, q̃ iuſte, &c. teñ I. L. & E. E. conuenc' de vno meſſuag' &c. necnon de tertia parte in tres partes diuidend' quatuor meſſuag' cum pertinent̃, &c. Sect. 75.

Et eſt concordia talis, ſcz. quod predict' I. & A. recogn̄ tenementa predicta ac tertiam partem pred̃ cum pertinentijs eſſe ius ipſius I. de quibus ijdem I. E. & E. E. habeant vnum meſſuag' cum pertin' in prędictis vill' de T. & B. parcell' tenementorum prędictorum ac predict' tertiam partem quatuor meſſuag' &c. cum pertinentijs in T. & B. parcell' tenementorum predictor̃ de dono prædict' I. & A. Et ill' remiſer̃ & quiet' clamauer̃ de ipſis I. & A. & heredibus ſuis præfat' I. E. & E. E.

&

& hered' ipſius I. imperpetuum. Et conceſſ. p̄ ſe & hered' ipſius A. q̄ viginti ac̄ ter̄, ſex ac̄ prati, &c. cum pertiñ in pred' villa de B. parcel tenementor̄ & tertia pars pred' quæ I. A. et F. vxor eius ten̄ ad termin̄ vitę ipſius E. de hered' pred. A. die quo hæc conçordia facta fuit. Et quæ poſt deceſſum ipſius E. ad pred. I. A. et heredes ſuos debuer̄ reuertere poſt deceſſum ipſius A. integre remaneant pred. I. E. & E. E. & hered. ipſius I. imperpetuum. * Conceſſer̄ etiam pred. I. W. & A. p̄ ſe & her̄ ipſius A. quod vnum meſſuag. cum pertiñ in pred. vill' de B. reſiduum tenemen̄ pred. quæ I. A. tenet ad terminum vitę ſuę de hered. præd̄ A. die quo hæc concordia facta fuit, poſt deceſſum ipſius A. integre remaneant pręd. I. E. & E. & hered. ipſius E. imperpetuum.

A Fine with grant and render of the moitie of a manuor, reciting that a widow hath the ſame for her life without impeachment of waſt, and after her death to her executors for ſixteene yeares without impeachment of waſt, and after her death and the end of ſixteene yeares, to two and to their wiues, and to the heires of their wiues; and after the husbands and their wiues grant the ſame to the tenant for life in fee, who granteth the ſame after the end of the ſaid ſixteene yeares vnto the conuſee for the terme of one and twentie yeares without impeachment of waſt.

Ebor. ſſ. PRæcipe N. G. & E. vxori eius, W. G. & B. vxori eius, quod teneant F. A. conuenc. de medietate manerij de H. cum pertinentijs, &c. Sect. 76.

Et eſt concordia talis, ſcz. q̄ cum E. A. vidua nuper vxor W. A. defuncti, habet et tenet prædictam medietatem manerii de H. cum pertiñ, Ac prædictam medietatem tenementorum & piſcariæ præd. cum pertiñ ad terminum vitæ ſuę abſque impetitione alicuius vaſti. * Et q̄ poſt mortem eiuſdem E. prædicta medietas maner̄, tenementorum & piſcarię prędictorum remaneant execut̄ teſtamenti eiuſdem E. ad terminum ſexdecim annorum tunc p̄xim̄ ſequen. poſt mortem ipſius E. abſque impetitione vaſti. Et quæ poſt mortem prædictę E. A. ad terminum prędictorum ſexdecim annorum ad N. G. & E. vxor̄ eius, & W. G. & B. vxor̄ eius, & hered̄ dictorum E. et B. reuert̄ debcrent. Predict̄ W. G. et B. vxor eius, N. G. et E. vxor eius, concedunt quod dictę medietates dictorum manęriorum, tenementorum, & piſcariæ cum pertiñ poſt mortem pręd̄ E. A. & poſt predict̄ terminum ſexdecim annorum finitum & determinat̄ integre remaneant pref. F. A. & her̄ ſuis. * Tenend̄ de capital̄ dñis feod̄ illi p̄ ſeruitia quę ad predict' medietat̄ dictorum manerii, tenemen̄ & piſcar̄ cum pertinen̄ pertinent. Et il̄ remiſ. & quiet̄ clam̄ de ipſis W. G. & B. vxor̄ eius, N. G. & E. vxor̄ eius, & hęred̄ ſuis pref. F. A. & hered. ſuis imperpetuum. * Et preterea

iidem

ijdem W, G et B. N. G. et E. conceſſer' ꝓ ſe et hered' ipſius N. ꝙ ipſe warrant' prædict' reuerſionem medietatis dictorum maneriꝰ, tenᵗorum, & piſcarię cum pertinentijs præfat' P. A. et hered' ſuis contra ipſos W. G. et B. N. G. et E. et her' ſuos in ꝑpetuum. Et ꝓ hac, &c. idem F. conceſſit ꝑfat' W. G. et B. N. G. et E. pred' reuerſionem medietatis manerij tenᵗor', et piſcariæ pred' cum ptiñ. Et ill' eis reddid' in eadem Curia. Habend' et tenend' eadem reuerſionem medietatis maner', tenᵗorum et piſcarię pred' cum ptiñ dictis W. G. et B. N. G. et E. à feſto Apoſt' Phil' et Iacobi ꝙ tunc ꝓxim' erit poſt finem dictorum ſexdecem ann' vſq; ad finem et term' xxj. annor' extunc ꝓxim' ſequent' et plenariæ cõplend', abſque impetitione alicuius vaſti.

A Render of meſſuages, &c. to the coguiſor for one weeke, after to a ſtranger for life, and to his wife for life, if ſhe keepe her vnmarried, the reuerſion to another ſtranger and his heires of his bodie vpon M. his wife begotten, the remainder to another and his heires.

Eber. ſſ. Sect. 77. PRecipe I. W. et E. vxor' eius, ꝙ ten' W. M. et O. S. conuenc' de duobus meſſuag' &c. in S. Et niſi &c.

Et ꝓ hac, &c. ijdem W. et O. conceſſerunt præfat' I. tenement' præd' cum pertiñ. Et ill' ei reddider' in eadem Curia. Habend' et tenend' eidem I. pro termino vnius ſeptimanæ, Et poſt terminum illum finitum, pred' tenem' cum ptiñ integre remanebunt B. Habend' et tenend' eidē B. de capitalibus dñis feodi illius per ſeruitia quæ ad pred' tenᵗ pertiñ, tota vita ipſius B. Et poſt deceſſū ipſius B. pd' tenᵗa cum pertiñ integre remañ I. vxori pred' B. Tenend' &c. tota vita ipſius I. ſi eadem I. tam diu ſola et inupta vixerit. Et poſt deceſſum ſiue ſponſalia ipſius I. ſi quę fuer', pred' tenᵗa cum pertiñ integre remañ E. W. filio et heredi apparenti pred' I. et hered' de corpore ipſius E. de corpore M. vxoris eius inter eos legitime ꝓcreat'. Tenend', &c. Et ſi contingat ꝙ idem E. obierit ſine her' de corp' ſuo de corp' pred' M. inter eos legit' ꝓcreat', tunc poſt deceſſ. ipſor' E. et M. tenem' pd' cum pertiñ integre remañ' pred' I. & hered' ſuis. Tenend' &c. imperpetuum.

A fine of two reuerſions of two meſſuages, one cottage, &c. after the deathes of the two tenants for life.

Eber. ſſ. Sect. 78. PRecipe R. N. et A. vxor' eius, quod ten' G. E. conuenc' &c. de duobus meſſuag', vno cotag' &c. in N.

Et eſt concordia talis, ſcz. quod predict' R. et A. recogn' tenementa predict' cum pertin' eſſe ius ipſius G. et conceſſ. pro ſe et heredibus

ipſius

ipſius R. quod pred' cotagium, viginti acr terr', decem acr prati, &c. parcell tenementor predictor cum pertin in N. pred', quę W. B. & A. vxor eius tenent ad terminum vitæ ipſius A. de hereditate pred' R. die quo hæc concordia facta fuit, et quę poſt deceſſum ipſius A. ad predict R. et hered' ſuos debuerunt reuert, integre poſt deceſſum ipſi' A. ad pd G. et hered' ſuos remaneant. Tenend, &c. Conceſſer etiam pred' R. & A. qd prædict 2. meſſuag' &c. reſidua tenement prædict cum pertinen in N. prædict, quæ W. P. et D. vxor eius tenent ad terminum vitæ ipſi' D. de hereditate &c. *(vt antea.)* Et præterea prædict R. & A. et hered' ipſius R. warrant tenementa predict cum pertinentijs pref. G. et heredibus ſuis ſicut dictum eſt, contra prædict R. et A. et heredes ipſius R. imperpetuum. Et pro hac, &c.

A grant to the cogniſee and his wife, and the heires of their two bodies, with warrantie in taile.

Ebor. ff. PRecipe H. E. gen, quod iuſte &c. ten H. W. et I. vxori eius conuenc' &c. de tenemtis in S. Et niſi &c. Sect. 79.

Et eſt concordia talis, ſcz. quod predict H. F. conceſſit tenement & reddit prædict cum pertin' prefat H. W. et I. Et ill eis reddidit in eadem curia. Habend et tenend eiſdem H. W. et I. et heredibus de corp' ipſorum H. W. et I. inter eos legitime ꝓcreat. Tenend, &c. Et pred' H. F. et heredes ſui warrant prefat H. W. & I. et heredibus de corpore ipſor H. W. et I. inter eos legitime ꝓcreat tenement pd ſicut dictum eſt, contra omnes homines imperpetuum. Et pro hac, &c.

A grant with a render backe againe for life, without impeachment of waſt, diuers remainders in taile diuiding the lands.

Heref. ff. PRecipe N. B. & A. vxori eius, q ten T. R. & R. G. conuenc' &c. de vno meſſuag' cum pertin in E. &c. Sect. 80.

Et eſt concordia talis, ſcz. quod præd' &c. cum relaxac' et warrant &c. Et ꝓ hac, &c. ijdem T. R. conceſſer pref. N. et A. tenement predict cum pertinentiis. Et ill eis reddiderunt in eadem curia. Habend eiſd N. et A. tota vita ipſorum N. et A. et alterius eorum diuti' viuent, abſque impetitione vaſti tota vita ipſius A. Tenend, &c. Et poſt deceſſu ipſorum N. et A. vnum meſſuagium, &c. cum pertinent in F. pred' de tenementis pred' parcell remañ T. B. vni filiorum pd N. et A. et heredibus maſculis de corpore pd T. legit ꝓcreat, et tunc poſt deceſſum ipſius T. pd tenement de pd tenement parcell integre remañ I. B. alteri filiorum predict N. et A. et hæred maſcul de corpor' ipſius I. legitime ꝓcreat. Tenend' &c. Et ſi contingat, &c. poſt deceſſum ipſius I. pd ten

de-

de pd̄ tenement̄ parcel̄ integre remanēt B.F. alteri filio pred̄ A. & hered̄ masculi de corpore pd̄ B. licite ꝓcreat̄. Tenend. &c. Et si contingat &c. quod tunc tenem̄ pd̄ remanēt (to others others) & rectis heredibus pred̄ A. imperpetuum. Tenend &c. Et pr̄eterea pfat̄ T. et R. concesser̄ quod post decessum pred̄ N. B. & A. vxoris eius 44. acr̄ terr̄, duæ acr̄ prati &c. cum pertin̄ in B. pd̄ de predictis tenem̄ residua integre remanebunt pd̄ B.F. & her̄ de corpore suo legitime ꝓcreat̄. Tenend̄, &c. Et si contingat quod idem B. obierit sine her̄ de corpore suo legitime ꝓcreat̄, qd̄ tunc post decessum ipsi⁹ B. pd̄ tenement̄ residua integre remanebunt pd̄ T.F. hered̄ & assign̄ suis imperpetuum.

A Fine to entaile lands to the heires of the body of the conusor of the bodie of I.C. her husband deceased, with remainder ouer, for default of such issue, to the right heires of the said I.C. &c.

Leicest. ff. Recipe I.C. armig', quod ten̄ M. C. viduę conuenc' de tribus messuag. &c. ect. 81.

Et est concordia talis, sc. quod præd̄ I. concessit pred̄ M. præd̄ tenement̄ cum pertinentijs. Et ill̄ ei reddidit in eadem Curia. Habend̄ & tenend̄ eidem M. et her̄ de corpore ipsius M. de corpore I.C. nuper viri sui defuncti legitime ꝓcreat̄, de capitali &c. Et si contingat quod eadem M. obierit sine hær̄ de corpore suo de corpore ipsius I. C. legitim̄ ꝓcreat̄, tunc post decessum ipsius M. predicta tenta cum pertinen̄ integre remaneant rectis hæredibus ipsius I.C. defuncti. Tenend̄, &c. Et pd̄ I.C. armig' & her̄ sui warr̄ pred̄ M. et hær̄ de corpore suo de corpore præd̄ I.C. defuncti, ac etiam rectis heredibus ipsius I.C. si eadem M. obierit sine hær̄ de corpore suo de corpore ipsius I.C. defuncti licite ꝓcreat̄, pd̄ tenta cum ptinen̄ (sicut dictum est) contra predict̄ I.C. armig' & hær̄ suos imperpetuum. Et ꝓ hac, &c.

A grant by a Duke and his wife as in the right of his wife to the cognisee for life of the tenant for life, with warrantie, a render to the cognisor for the wines life, to conuey her title to her husband.

Warw. ff. Recipe T. Duci N. et M. vxori eius, quod ten̄ T.T. armig' conuenc' &c. de tenem̄tis in W. Et nisi, &c. ect. 82.

Et est concordia talis, scz. quod pręd̄ Dux & M. concess. pręd̄ T.T. tenementa præd̄ cum pertinen̄, et quicquid idem Dux & M. habent in tenementis prædictis cum pertin̄, ad terminum vitæ ipsius M. Et ill̄ ei reddider̄ in eadem curia. Habend̄ et tenend̄ eidem T. T. & hered̄ suis de capitalibus dn̄is feodi illius per seruitia quę ad eadem tenementa cum pertinen̄ ꝓtinent̄ tota vita ipsius M. Et pr̄eterea iidem T. et M. con-

conceſſ. p ſe, qd ipſi warrant̃ p̃d' T.T. & hæred̃ ſuis tenta p̃d̃ cum pt̃ contra omnes homines tota vita ipſius M. Et pro hac, &c. idem T.T. conceſſ. tenem̃ prædict̃ cum pert̃ præfato Duci. Et ill' ei reddidit in eadem curia: Habend̃ et tenend' eadẽ tenem̃ cum pert̃ eidem Duci & hæred̃ ſuis tota vita pred' M. tenend̃, *vt ſupra.*

A fine of the moitie of maunors, meſſuages, land, meadow, paſture, wood, linge, and heath, moore, mariſh, and rent the aduowſon of the moitie of a Church, the aduowſon of the moitie of a Monaſterie or Priorie in poſſeſſion and reuerſion in fee.

HÆc eſt finalis concordia fact' in curia dom̃ reginæ apud Weſtm̃ in craſtino Sanctę Trinitat̃, Anno regni Eliz. Dei gratia, Angliæ, Franciæ, & Hibernię, reg. fidei defenſ. &c. a conqueſtu triceſimo ſecũdo, coram E.A. &c. Iuſtic' & alijs Dominæ reginæ fidelibus tunc ibi p̃ſentibus, inter A.M. & L.H. quer̃. & T.N. & I. vxorem eius, vnam conſanguinearum et hæred̃ R.E. deforc', de medietate maneriorem de W. & R. cum pertinent̃, ac de medietate octaginta meſſuag', 40 acr̃ t̃r̃, 300 acr̃ prati, 50 acr̃ paſtur̃, 100 acr̃ boſci, 30 acr̃ iampnorum & brueræ, 160 acr̃ moræ, 200 acr̃ mariſci, & viginti ſolidor̃ redd̃ cum pert̃ in W. R.W. P.T. &c. Necnon de aduocatione medietat̃ eccleſiar̃ de E.W.P. & R. acetiam de aduocat̃ medietat̃ Monaſterij ſiue Prioratus de L. vnde placitum conuentionis ſumm̃ fuit inter eos in eadem curia: Scilicet, quod prædict' T. & I. recogn' prędict' medietates cum pertinen', ac aduocationes prædictas eſſe ius ipſius A. de quibus ijdem A. & L. habent de dono medietatem prædict' manerij de R. cum pertinent̃. Necnon medietatem octaginta meſſuag'. 260 acr̃ terr̃, 100 acr. prati, 300 acris paſturę, 80 acr. boſci, 200 acris iampnorum, & brueræ, 140 acr. mariſci, 100 acr. moræ, & vi.ſ. vi.s̃. reddit̃ cum pertinent̃, in R.T.H. &c. Ac etiam aduocatioñ medietatis Eccleſię de R. ac aduocac' medietat. monaſterij ſiue Prioratus de L. parcell' medietat. maner. tenement', redd̃, & aduocat̃ prædict. de dono prædictorum T. et I. * Et ill' remiſer. & quite clam̃ de ipſis T. & I. & hered̃ ipſius I. predict̃ A. & L. et heredibus ipſius A. imperpetuum. Et preterea ijdem T. et I. conceſſerunt p̃ ſe et heredibus ipſius I. quod medietas manerij de W. ac mediet. 30 meſſuag. 250 acrarum terræ, centum acrarum prati, &c. cum pertinentiis in W.P.E. et W. predict. ac aduocationes medietatis Eccleſiarum de P.E. et W. predict. reſid̃ medietatis maneriorum, tenemẽtorum, reddit', et aduocatioñ predict. quę E.E. tenet ad terminum vitę ſuæ & hereditate predict. I. die quo hæc concordia facta fuit, et quæ poſt deceſsum ipſius E.E. ad predict. T. et I. & hæredibus ipſius I. debuerunt reuerter. poſt deceſs. ipſius E.E. integre remaneant præd.

Sect. 83.

A.

A.et L.et hered' ipſius A. * Tenend' ſimul cum pred' medietate et aduocatione q̄ eis p̄ finem iſtum remanent de capitalibus dom̄ feodi illius, p̄ ſeruitia q̄ ad illas medietates & aduocac' p̄tinent imperpetuum. Et p̄d T.et I.et hered' ipſius I.warr' p̄d' A.et L.et hered' ipſius A.præd medietates cum p̄tinentijs,ac aduocatione p̄d' ſicut pred' eſt,cōt̄ omnes homines imperpetuum. * Et p̄ hac recognitione,remiſſione, quieta clamat̄,warr',fine,& concordia,ijdem A.et L.conceſſerunt prędict' T.et I. pred' medietatem manerij de R. et medietatem pred' ten̄tor̄ cū p̄tin' in R.T.H.&c.pred'; Necnon aduocationem medietatis eccleſię de R.pred',ac aduocationem medietatis Monaſterij ſiue Prioratus de L.prædict.Et illas eis reddiderunt in eadem Curia.Habend' et tenend' eiſdem T.et I.et hered' ipſius I.de Capitalibus dom̄ feodi illi⁹ p̄ ſeruitia q̄ ad illas medietates et aduocationes p̄tin̄ imperpetuum. * Et cōceſſer' etiam pred' A.et L.predict' medietatem manerii de W. cum p̄t, ac pred' medietatem ten̄t cum p̄tin̄ in W.P.E.&c.pred.pref.T.et I.Et illas etiam reddiderunt in eadem cur'; Habend.et ten̄ immediate poſt mortem pred.E.E.eiſdem T.& I.et hered.ipſius I.de capitalibus dom̄ feodi illi⁹, per ſeruitia q̄ ad illam medietatem & aduoc' pertin̄ imperpetuum.

A grant of lands by fine to two,who render to the cogniſor in generall taile,and for default of ſuch iſſue to R.T in generall taile,the remainder to the queens Maieſtie,her heires and ſucceſſors for euer.

Sect.84. ET eſt concordia,&c.q̄ pred.A.recog.ten̄ pred.cum pert' eſſe i⁹ ipſi⁹ I. vt ill' q̄ idem I.et D.habent de dono predict' A.Et ill' remiſit,&c. Et p̄ hac,&c.iidem I.et D.conceſſer' prefat' A.tenem̄ pred.cū pert'. Et ill' ei red.in eadem curia;Habend.et tenend.eidem A. et heredib⁹ de corpore ipſius A.legitime p̄creat',& p̄ defectu talis exitus tunc tenem̄ pred.cum pertin̄ integre remaneant hered.de corpore R.T. filii præd. A.et hæred.de corpore eorum legitime p̄creat'; Et p̄ defectu talis exit.tunc tenem̄ pred.cum pertin̄ remaneant Dom̄ Elizab. nunc Reginæ Anglię, Francię,& Hiberń,hered.& ſucceſſoribus ſuis imperpetuum, &c.

A grant of lands in generall taile, to be holden of the granter in Socage, with diuers remainders ouer in taile,with warrantie againſt all men.

Sect.85. *Eſſex ſ.* PRecipe S.B.arm̄ q̄ ten̄ W.S.conu' de 3 meſuag.&c.cum p̄tin̄ in C.Et niſi,&c.

Et eſt concordia talis,ſcilicet,quod predict. S. conceſſit prefato W. tenementa pred' cum pertinentiis, & illa ei reddidit in eadem curia;

Habend'

Habend̄ et tenend̄ eidem W. et hered̄ de corpore ſuo legitime ꝓcreat̄ de p̄dict̄ S. et her̄ ſuis in Socagio per fidelitatem tantum pro omnibus ſeruitijs et demandis quæ ad p̄dict̄ tenementa ꝑtinent imperpetuum. Et ſi contingat quod idem W. obieret ſine her̄ de corpore ſuo legitime procreat̄, tũc poſt deceſſum ipſius W. teñta p̄d̄ cum ꝑtinentijs integre remanebunt I. S. Auo p̄dict̄ W. et hered̄ de corpore ipſius I. legitime ꝓcreat̄. Tenend̄ (*vt antea.*) Et ſi nullus heres de corpore ipſius I. fuer̄ legitim̄ ꝓcreat̄, tunc p̄d̄ teñta cum ꝑtin̄ integre reuertent ad p̄d̄ S. & heredes ſuos quiet̄ de al' hered̄ p̄dictorum W. & I. Tenend̄ de capital' &c. Et pr̄terea p̄dictus S. et heredes ſui warrant̄ p̄dict̄ W. & hered̄ de corpore ſuo legitime ꝓcreat̄, & p̄dict̄ I. & hered̄ de corpore ſuo legitime ꝓcreat̄ ſi idem W. obierit ſine hered̄ de corpore ſuo legitime ꝓcreat̄, p̄d̄ tenement̄ cum ꝑtin̄ (ſicut dictum eſt) contra omnes homin̄ imperpetuum. Et pro hac, &c.

A grant of 16. acres of moore in generall taile to be holden of the grantor by Knights ſeruice by ſuit of Court twice a yeare, and vi. s. rent.

Eſſex. ſſ. PRæc' I. G. gen̄, quod ten̄ P. I. co̅n de ſexdecim ac̄ mor̄ cum pertin̄ in K. Et niſi, &c. Sect. 86.

Et eſt concordia talis, ſcz. q̄d̄ p̄d̄ I. conceſſit pref. P. teñta p̄d̄ cum ꝑtin̄, et ill' ei reddidit in eadem Curia: Habend̄ & tenend̄ tenement̄ p̄dict̄ cum ꝑtinentijs p̄fat̄ P. & heredibus de corpore ſuo legit̄ procreat̄: Tenend̄ de dicto I. et heredibus ſuis ꝓ ſeruitium militare & ſect' Cur̄ ſuę apud K. bis ꝑ annum, ac reddend̄ annuatim p̄fat̄ I. et heredibus ſuis ſex ſolid̄ &c. ad feſta, &c. ꝑ equales portiones annuatim imꝑpetuũ ſoluend̄. Et p̄d̄ I. warrant̄ teñta p̄d̄ cum ꝑtinentijs p̄fato P. et heredib' de corpore ſuo legitime, ꝓcr̄ (ſicut dictum eſt) contra p̄dict̄ I. & hered̄ ſuos imperpetuum. Et pro hac, &c.

A Fine ſur releas of Knights ſeruice, Caſtle gard, and Murage, vpon a writ of Cuſtomes and Seruices for a ſumme of money paied, ſaning all other Seruices made by conſent of the King.

HEc eſt finalis concordia facta in Curia domini Regis apud Weſtmonaſter̄ à die Sanct̄ Michaelis in xv. dies, Anno regni Regis H. filij Regis I. quinquageſimo prim̄ coram G. de P. et R. de M. Iuſtic' & aliis domini Regis fidelibus tunc ibi p̄ſentibus, inter W. de P. quer̄, & H. B. defor', de conſuetudinib' & ſeruitiis quæ id̄ W. exigerat de p̄d̄ H. de libero teñto ſuo q̄d prædict̄ W. tenet in W. et W. ſcz. de vno feodo Militis & dimid̄ cum pertineñ. Et vnde idem W. exigebat de prædicto H. quod faceret ei ad Wardum Caſtri de B. quãdo cuenerit et ad Sect. 87.

muragi-

muragium eiusdem castri cum necesse esset quantum ad prædict' tenementum pertinet. Quæ seruitia idem H. ei non cognouit. Et vnde placitum inter eos in eadem curia summonit fuit, scilicet quod prēd W. concessit pro se & heredibus suis, quod prædict' H. & hæred̄ sui, et eorum tenent̄ de honore de B. sint quiet̄ de prædict' seruitijs imperpetuū; Saluis eidem W. et hæred̄ suis, omnibus alijs seruic' ad prædict' tenem̄ pertinent̄. Et pro hac concessione, fine, & concordia, idem H. dedit p̄dict̄ W. decem & octo marcas argent̄. Et hęc concordia facta fuit ex assensu et voluntate eiusdē dom̄. Regis eam concedentis. This old fine is in Dyer fol. 179. pla. 46.

A Fine of a Manor in possession and other lands in reuersion.

Sect. 88. *Salop. ss.* PRęcipe W. B. quod ten̄ F. R. conuenc' de manēr̄ de R. cum pertineñ, &c.

Et est concordia talis, scilicet, quod prædictus W. recogn̄ manēr̄ & tenementa p̄d̄ cum pertiñ esse ius ipsius F. de quibus idem F. habet p̄d̄ manerium cum pertiñ, duo mess. &c. cum pertiñ in R. p̄dict' parcell' tenem̄ p̄dictor̄ de dono prędicti W. Et ill' remis. &c. Et consessit pro se et hęred̄ suis, quod duo mess. cum pertiñ in R. p̄d̄ residua tenemēt̄ prædictor̄ quę A. B. vidua tenet ad terminum vitę suę de hęreditat̄ &c. post decessum ipsi' A. integre remañ p̄fat̄ F. R. & hæred̄ suis. Tenend̄ simul cum prædicto manerio et tenement̄ parcel' quæ ei p fine istum remañ de capitalibus dominis &c. Et p̄d̄ W. B. et hæred̄ sui warrant̄ præf. F. et hæred̄ suis predict̄ manēr̄ et tenta cum ptiñ sicut dictum est contra omnes homines imperpetuum. Et p hac, &c.

Fine by the husband and his wife of manors, messuages, &c. of the aduowson of a Church, of rent, part in possession, and part in reuersion, with a render againe to the cognisor and his wife for their liues without impeachment of waste, and after to the heires of the bodies of the conusors, and for default of such issue to the heires of the bodie of the wife of the conusor, and for default of such issue, then to the right heires of T. the cognisor for euer.

Sect. 89. *Midd. ss.* PRæcipe T. M. armig' & M. vxori eius, quod iuste, &c. ten̄ &c. A. S. armig' conuenc' de manerio de W. iuxta Y. W. in G. et S. cum pertinentijs, Ac de CCC. l. mess, &c. Necnon de aduocatione Eccleśię W. in G. in comitat̄ prædict', Et de manerio de D. cum ptinentijs, Ac de x. mess. &c. et vij. s. viij. d. ob. redd̄ cum pertiñ in D. in com̄. G. Ac de manerio de S. cum pertiñ, Ac de sex mess. &c. cum pertiñ in S. C. & V. in com̄ D.

Et

Et est concordia talis scilicet, qd præd T. & M. recogñ maneria, tenementˀ & reddiˀ præd cum pertinentijs. Ac Aduocationem præd esse ius ipsius A. de quibus idē A. habet præd' maneria de W. iuxta Y. W. in D. &c. Ac Aduocationē præd in præd com S. Ac prædict' maneriū de South C. cum pertinentijs. Ac pręd tenementa cum pertin' in South C. & V. præd, in præd com D. parcellˀ manerˀ, tenementˀ, & redd præd, de dono præd T. & M. Et illˀ remisˀ. &c. Et concessˀ pro se & hæred' ipsius M. quod pręd manerium de S. præd in p̄dicto comitatu S. * Ac etiā præd manerium de D. cum pertinentijs in prædicto com G. residuum manerioꝝ, tenementˀ, & reddiˀ præd q̄ F. S. armig' & E. vxor eius tenent ad terminum vitæ ipsius E de hæreditate præd M. die quo hæc concordia facta fuit. Et q̄ post decessum ipsius E. ad prædict' T. & M. & hæredes ipsius M. debuerˀ reuertere post decessum ipsius E. integre remanebunt præd A. S. & hæredibus suis. Tenendˀ simul cum præd manerijs, tenementis, & reddiˀ quæ ei per finem istum remañ de capitalˀ dñis feod illius, per seruic' quæ ad præd manerium, tenementa, redd, ac aduocationem pertinent imperpetuū. * Et prædict' T. & M. & hæred ipsius M. warrˀ prædicto A. & hæredibus suis prædicta maneria, tenementa, redˀ, cū pertinentijs, ac aduoc' præd sicut dictū est contra omnes homines imperpetuū. * Et p hac &c. idē A. concessit præfatis T. & M. p̄d maneria, tenemˀta, & redˀ cū pertinentijs, ac aduocationē præd. Et illˀ eis redd in eadē curia. Habendˀ & tenendˀ eisd T. & M. de capitalˀ dñis &c. tota vita ipsoꝝ T. & M. & eoꝝ alterius diutius viuen' absque impetitione alicuius vasti. Et post decessum ipsorū T. & M. præd manerˀ, tenem, &c. integre remanebunt hæred' ipsius T. de corporibus ipsoꝝ T. & M. legitime procreat'. Tenend' &c. * Et si nullus hæres ipsius T. de corporibus ipsorum T. & M. fuerˀ legitime procˀ, tunc præd manerˀ, &c. integre remanˀ hered' de corpore ipsius M. legitime procreat, tenen, &c. Et si nullus hæres de corpore ipsius M. fuerˀ legitime procreat, tunc p̄d maneria &c. integre remanˀ rectis hæredibus ipsius T. imperpetuū. Tenend', &c.

A fine of a Reuersion of a Rent, issuing out of a Manner and sixe Messuages.

Essex. ff. PRæcipe, &c. q̄ iuste &c. tenˀ conuencˀ &c. de quadraginta solidis redditˀ cum pertˀ, exeuntˀ de manerio de F. ac de sex messˀ &c. Et nisi &c. Sect. 90.

Et est concordia talis, sc. q̄ p̄d I. recogñ p̄d redd cum pertinenˀ esse ius ipsius R. & concessit pro se & hæredibus suis, qd præd' redˀ cum pˀt quē H. T. & A. vxor eius tenent ad termˀ vitę ipsius A. de p̄d' I. die quo hæc concordia facta fuit exeuntˀ de p̄d' manio &c. cum pertiñ quē I. H.

Miles modo tenet et qui post decessum ipsius A. ad pd̄ I.F. & hæredes suos debuit reuertere post decessum ipsius A. integrè remanebit præd̄ R. & hær' suis imperpetuū. Et præd̄ I.F. & hæredes sui waṙ præd̄ R. & hæred̄ suis præd̄ reddit cū pert̄ sicut præd̄ est, contra I. Abbat. Monast. &c et successores suos imperpetuū. Et ꝓ hac, &c.

A Fine of the Reuersion of a Rent.

:&. 91. HÆc est finalis concordia facta in curia dñi reg. apud W. a die P. in xv dies, Anno reg. E. filij Regis E. dec', corā W.B.H.S.I.B. et I. M. Iustic' dñi regis & alijs fidelibus tunc ibi præsentibus, inter R. P. quer̄, & I.B. deforc', de decē marcis red̄ cum pert̄ in B. quē P. de A. tenet ad terminū vitæ, vnde placitū conuentionis sum̄ fuit inter eos in eadē curia, scilicet, ꝙ præd̄ I. concessit ꝓ se hæredibus suis, ꝙ pd̄ reddit cum pertinentijs quē præd' P. tenuit ad terminū vitæ ex dimissione pd̄ I. in præd' villa die quo hæc concordia facta fuit, & qui post decess. ipsius P. ad pd̄ I. et hæredes suos reuertere debuit post decess. ipsius P. integre remanebit præd' R. et hær̄ de corpore suo ꝓcr̄: Tenend' de capital' dñis feodi illius per seruitia q̄ ad præd' red̄ pertinent imperpetuū. Et si contingat ꝙ idē R. obirit sine hærede de corpore suo ꝓcr̄, tunc post decess. ipsius R. præd' reddit cum pertinentijs integre remanebit rectis hæred̄ ipsius R. tenend̄ de capitali dominis feodi illius per seruitia q̄ ad præd̄ reddit pertinent imperpetuū. Et ꝓ hac concessione, fine, et concordia, idē R. dedit præf. I. centū marc' argenti.

A Fine of Rent seruice, and of the homages and seruices of diuers

Nott. ff. &. 92. PRæcipe ꝙ iuste &c. ten' conuenc' &c. de vndecim̄ solidis reddit cum pertinentijs in B. Et nisi prius &c.

Et est concordia talis scz. ꝙ præd' E. recogn' præd' redd' cum pert' esse ius præd' W. Et idē E. insuper concessit eidē W. reddit illum cum pertinentijs simul cum homagio et totis seruitijs S.F. R.L. & I.D. & hæred' suoṙ, de tot tenementis quot ipsi seperatim de ipso E. pri' tenuerunt in præd' villa: Habend' et tenendū eidē W. et hered' suis de capitalibus dominis feodi illius per seruitia q̄ ad præd' redd' pertinent imperpetuū. Et præd' E. & hær̄ sui præd' red̄ cum pert̄ sicut præd' est. pf. W. & hær̄ suis contra oēs hoēs waṙ imperpetuū, &c.

A Fine of a messuage, where the husband and the wife sell the wives Iointure or dower absolutely to him in the reuersion.

Sect. 93. *Eber. ff.* PRæcipe T.G. armig', & B. vxor eius, ꝙ ten̄ I.W. & E. vxor eius conuenc' de quatuor mes. &c.

Et est concordia talis, scilicet ꝙd cum prædict' T. & B. habeant

&

& teneant tenementa pręd' cum ptiñ ad terminum vitæ præd' B. reuerſione inde præd' E. et hered' ſuis poſt deceſſ. præd' B. ſpectant, ijdē T. et B. conceſſ. pref. I. et E. tenementa pred' cū ptiñ, et totū & quicquid in pred' tenementis cum ptiñ ad terminum vitæ ipſius B. habent, eiſdem I. et E. inead' curia redd': Habend' & tenend' eiſdem I. & E. & hered' ipſius E. durante tota vita ipſius B. de capitalibus dñis &c. Et pred' T. & B. warrantū prefat' I. et E. tenta præd' cum pertinent' (ſic vt dictum eſt) contra pred' T. et B. durante tota vita ipſius E. et pro hac, &c.

Tenant for terme of life, and her husband granteth her eſtate for life in a manor, meſuages, rent, &c. to one B. who in conſideration thereof, granteth to the conuſor and his wife for the life of the wife.

Suff. ſs. PRæcipe L.H. et D. vxori eius qd teñ B. B. coñ de manerio de S. cum ptiñ, ac de ſex meſſuag' &c. cum pertiñ in S. Sect. 94.

Et eſt concordia talis, ſcz. q̄ pred' L. et D. conceſſ. manerium, tenemta, et redd' cum pertiñ quæ ijdem L. et D. tenent ad terminum vitæ ipſius D. reuerſione inde poſt mortem eiuſdem D. cuidam R. R. et hered' ſuis ſpectant pref. B. B. Habend' ſibi & aſſignatis ſuis tota vita eiuſdem D. Et p̄terea ijdem L. & D. conceſſ. q̄ ipſi warrant' manerium, tenemta, & redd' pred' cum pertiñ pref. B. et aſſignatis ſuis, tota vita ipſius D. contra ipſos L. & D. imperpetuum. Et pro hac &c. idem B. conceſſit pref. L. et D. quend' annual' redd' xl. marc' legalis &c. exeunt' de manerio et tenemtis pręd: Habend' & percipiend' eundem annualem redd' xl. marc' prefat' L. & D. pro termino vitæ eiuſdem D. ad feſta &c. per equales porciones annuatim ſoluend'. Et ſi contingat pred' annual' redd' &c.

A fine of a Reuerſion of one meſſuage &c. after the death of a tenant for life.

Norff. ſs. PRæc' P. A. qd teñ E. S. conuenc' &c. de vno meſſuag' &c. Et eſt concordia talis, ſc. q̄ præd' P. recogn̄ tenementa pred' cum pertiñ eſſe ius ipſius E. Et conceſſit p̄ ſe & heredibus ſuis, qd predicta tenementa, quæ W. B. & A. vxore eius tenent ad terminum vitæ ipſius A. de hereditate ipſius P. die quo hæc concordia facta fuit, Et quæ poſt deceſſum ipſius A. ad pred' P. et heredes ſuos debuerunt reuert', poſt deceſſ' ipſius A. integre remanebunt pred' E. S. et hered' ſuis imperpetuum tenend' &c. Et pred' P. conceſſit pro ſe et hered' ſuis qd ipſi warr' pred' tenementa cum ptiñ (ſic vt dictum eſt) contra omnes homines imperpetuum. Et p̄ hac &c. Sect. 95.

A Fine of a rent granted out of a Manor for life, with a clause of diſtreſſe for the ſame rent.

Liber. ff. &c. 96. PRæc' A.C. vid' q̄ ten̄ H.C. gen̄ cōuenc' de anno reddit xl. s. exeunt de manerio de S. cum ptinen̄ in S. Et niſi, &c.

Et eſt concordia talis, ſc. q̄ p̄d̄ A. conceſſ. p̄f. H. p̄d̄ reddit cum pertinentijs. Et ill' ei reddidit in eād̄ Curia: Habend̄ & percipiend' p̄d̄ xl. s. eidem H. et aſſignatis ſuis, ad feſta Annunciat̄ beatæ Mariæ virginis & ſanct̄i Michael' Archangeli q̄r æquales porciones annuatim ſoluend', tota vita ipſi' H. &c. Et ſi contin̄ p̄d̄ red' xl. s. arretro fore &c. qd' tunc bene licebit p̄f. H. & aſſignatis ſuis, tota vita ſua, in p̄d̄ maner̄ cū ptin̄ intrare & diſtringere &c. Et præd' A. et hered' ſui warrant̄ pref. H. & aſſignatis ſuis præd̄ redd̄ xl. s. cum pertin̄, ſic vt dictum eſt, contr̄ pred̄ A. & hered' ſuos, tota vita ipſius H. imperpetuum, &c. Et p̄ hac, &c.

A Fine whereby three ſeuerall Annuities be granted out of a Manor, and after the Manor alſo is granted to one E. for life, and after the death of the ſaid E. the Manor, &c. to remaine to the ſaid E. and his heires.

Staff. ff. &c. 97. PRæcipe E.B. vid', E.B. gen̄, R.B. gen̄, & R.B. gen̄, qd ten̄ R. G. gen̄ conuenc' de manerio de H. cum pertinentijs, Ac de decem meſuagijs.

Et eſt concordia talis, ſcz. qd præd' Eliz. Ed. Baldw. Ra. & Rich. recogn̄ præd' maner̄, tenementa, & redd' cum pertinen̄ eſſe ius ipſius R. (*cum Releaſe and warrant'.*) Et pro hac, &c. idem Rog. conceſſit prefat̄ Edw. quandum annuitatem, ſiue annualem reddit vj l. xiij. s. iiij. d. exeunt̄ de et in maner̄ & ten̄tis p̄rędictis cum pertinen̄. Et ill' eis redd̄ in eadem Curia: Habendum & percipiendum eundem annualem redd̄ vj l. xiij. s. iiij. d. pref. Edw. & aſſignatis ſuis tota vita ſua ad feſta Natiuitat̄ S. Ioh. Baptiſte, & Annuntiationis beatæ Mariæ virginis, æquis portionibus annuatim ſoluend'. Et ſi contingat, &c. Conceſſit etiam idē R. quandam annuitatem ſiue annualem redd' vj l. xiij. s. iiij. d. (*vt ſupra cum clauſ. diſtrict.*) Et vlterius idem R. conceſſit præfat̄ R. quandam aliam annuitatem &c. vj l. xiij. s. iiij. d. modo et forma præd'. Et preterea idem R. conceſſit pref. E. præd' maner̄, tenementa, et redd' cum p̄tin̄. Et ill' eis redd' in eadem Curia: Habend' & tenend' pref. E. & aſſignatis ſuis tota vita ipſius E. de capitalibus dominis feodi illius &c. Et poſt deceſſ. ipſius E. præd' maner̄, ten̄ta, & redd' cum pertin̄ integr̄ remañ pref. E. & hered' ſuis. Tenend' de capit̄ &c.

A Fine

A fine of a rent out of manners to one and his wife in taile generall, and for default of such issue to the right heires of the husband, with a paine of 8 l. for euery fine weekes that the rent is behind, and for euerie weeke after the fine weekes to forfeit viij li. nomine pœne, with a clause of distresse.

ET ꝑ hac, &c. ijdem A. & B. concess. predict W. & F. quendam annualem redditū nonaginta libr, de prædict maner et tenem cum ptin'. Et illas ei reddider in eadem curia; Habend et ꝓcipiend' pred. annualem reddit nonaginta libr, eisdem W. et F. et hered. de corporib' ipsor W. et F. legitime ꝓcr, ad festa S. Mich. Archangeli, et Annunciationis beatæ Mariæ Virginis, ꝑ equales porciones annuatim soluend. Et si contingat qd ijdem W. & F. obierint sine hered. de corporibus suis legitime ꝓcreat, tunc post decessum ipsor W. & F. idem annualis redd' nonaginta libr integre remaneat rectis hæredibus ipsius W. ad festa predict' annuatim soluend'. *Et si contingat predict. annual' red' nonaginta libr aretro fore in parte vel in toto ꝑ spatium quinq; septim, post aliquod festum festor pred', quo vt ꝓfertur solui debeat, non solut, (si legitim modo petatur apud C. præd') ꝙ tunc et toties predict W. T. et hered' sui forisfacient præd. W. et F. et her. de corpor legit suis ꝓcr, ac etiam rectis hæredibus ipsius W. si præd W. et F. obier sine hær de corporibus suis legitime ꝓcreatis octo libr nomine pœne. *Et sic qualibet septimana, post prædict. quinque septimanas octo libr quoties prædict annualis redd' nonaginta libr aretro foret, quod tunc & toties bene liceret præd' W et F. et hered. de corporibus suis legitime ꝓcr, ac etiam rectis hæredibus ipsius W. si ijdem W. et F. obier sine hered' de corporibus suis legitime ꝓcreatur, in præd. maneria et tenem cum pertinentijs intrahere, & distringere, districtionesque sic ibidem captas & habitas, abducere, asportare, et effugare, ac pœnes se retinere, quousq; tam de pred' annual' redd' nonaginta libr, cum areragijs eiusd. (si quæ fuerint) q̄ de præd. octo libr, vt prefertur, nom pœno forisfact', post pred' quinq; septimanas, et ꝓ octo libr pro qualibet septimana post pd quinq; septimanas, vt prefertur, eisdem plene fuerit satisfact' & persolut, &c. Sect. 98.

A fine wherein an annuitie is granted out of fiue acres of Land to one in fee with a clause of distresse for default of payment of the same Annuitie.

Essex ss. PRec' T. S. de C. armig', & A. vxori eius ꝙ ten W. D. cōuen de quinq; acr terr cum pert in E. &c. Sect. 99.

Et est concordia talis, scilicet, quod prædict. T. et A. recognouerunt tene-

tenementa pred̄ cum pertinentijs, esse ius ipsius W. vt illa quę idem W. habet de dono p̄dict̄ T. & A. Et ill̄ remisser̄ & quiet̄ clamauer̄ de se & heredibus suis prefato W. & hered̄ suis imperpetuum. Et p̄terea predict̄ T. & A. concess̄. pro se & hered̄ ipsius T. & ipsi warrant̄ pref. W. & hered̄ suis tenementa pred̄ cum pertineñ, contra omnes homines imperpetuum. Et pro hac &c. pred̄ W. concessit prefato T. quandam annuitatem, siue annualem redditum 20.s. legalis monetę Angliæ exeunt̄ & exitur̄, de, & ex tenementis predict̄ cum pertinētijs. Et ill̄ ei reddid̄ in eadem curia; Habend̄, tenend̄, & percipiend̄ pred̄ annuitatem siue annualem reddit̄ 20.s. pred̄, pref. T. & hered̄ suis ad festa S. Martini Episcopi in hyeme, & Pentecost̄, per æquales porciones annuatim imperpetuum soluend̄. Et si, ac quoties, contingat pred̄ annuitatem siue annualē reddit̄ 20.s. pred̄ aretro fore in parte vel in toto post aliquod festum festor̄ predict̄, quo vt prefertur, solui debeat, non solut̄, per spaciū quadraginta dierū, quod tunc & toties bene liceat & licebit prefat̄ T. & heredib̄ suis in predicta tenem̄ta cum pertineñ intrare, & distringere, districtionesq; sic ibidem capt̄, licite asportar̄, effugare, abducere, & penes se retinere, quousq; de tota predict̄ annuitate siue annuali redditu viginti solid̄ predict̄, vna cum arreragijs eiusdem, si quæ fuerint sibi sit plenarie satisfact̄. & persolut̄ &c.

A fine wherein an annuitie is granted in fee, out of xx. acres of land, with suit of Court, & Heriot after decease, recease, & alienation of any tenant, with a clause of distresse for default of payment.

Smith. ff. PRecipe A.B. & C.D. quod ten̄. F.G. conuenc̄ de viginti acris terræ &c.

Et est concordia talis, scz. q̄ pred̄ A.B. & C.D. recognouerunt tenem̄ta pred. esse ius (*vt in fine sur recognisance de droit, Release, & Warrantie*) Et pro hac &c. predict̄ T. concessit pref. A.B. & C.D. quandam annuitatē, siue annualē reddit̄ xij.d. legalis monet̄ Angl̄ exeunt̄ & exitur̄, de & ex tenem̄tis pred̄ cū pertiñ. Et ill̄ eis reddidit in eadem curia; Habend̄ & percipiend̄ predict̄ annuitatem siue annualem reddit̄ 12.d. eisdem A.B. & C.D. & hered̄ ipsius A. ad festa S. Mich. arch ang. & Annuntiationis beatæ Mar̄ virginis, p æquales porciones annuatim soluend̄. * Ac etiā pred̄ F. concessit, p se & heredibus suis pref. A.B. & C.D. et hered̄ ipsius, A. ad faciend̄ sectam annuatim cur̄ predict̄. A. B. et C. D. et hered. ipsius A. apud manerium suum de C. bis in anno super licitam monitionem inde prehabitur̄. Tenend. &c. Ac soluend̄ post decessum, recessum, & alienationem tam pred. F. & hered. suorū, quā cuiuslibet alter ius tenētis existeñ liberi tenentis refitorum pred̄, vel alicuius inde p̄cell̄, optimū animal cuiuslibet hm̄di tenent̄, nomine Herioꝯ.

Heriot'. Et si contingat pd' annuitaē siue annualē redd', aretro fore in parte, vel in toto, post aliq; fest' festor' pd', quo, vt prefer' solui debeat, nō solut', aut sectā cur' pd' non fieri, siue heriot' pd' cū acciderit nō solui aut deliber', q; tunc bene licebit pd' A.B. et C.D. ac hered' ipsi' A. in tenta pred' cū pertin' intrare, et distringere, districtionesq; sic ibid' capt', licite abducere, asportare, ac penes se retinere, donec et quousq; tam de pd' annuitaē siue annual' redd' xij. d. vna cum arreragijs eiusd', si quæ fuerit quā de sect' Cur' et heriot' pred' aretro existen', eisd' A.B. et C.D. et her' ipsius A. plenarie fuer' solut', content', et satisfact', &c.

A Fine wherein an Annuitie is granted out of a manor, messuage, and rent in fee, payable at a certaine day, heure, and place, with a forfeiture Nomine pœnæ, for the default of payment of the Annuitie and paine.

Warw. ss. PRecipe A.B. armig' qd' ten' C.D. conuenc' de maner' de L. cum pertinen. Necnon de quatuor messuag' & decem solidis redd', cum pertinentijs in L. pred', &c. Sect. 101.

Et est conc' talis, sc. qd' pred' A.B. recog. (*vt in fine sur recognisance de droit.*) Et p hac, &c. idem C. concess. pf. A. quand' annuit' siue annual' redd' vij. libr' legalis monet' Ang' exeunt' et exitur' de et in mānio et tenementis cū pertin. Et illā ei red' in ead' cur'. Habēd' et tenend' pd' annuit' siue annual' reddit' vij. l. pref. A. hered' et assignatis suis, decimo die Sept' inter horam nonā ante meridiem, et horam tertiam post meridiē eiusd' diei annuatim, apud domum siue mansionalem vulgariter nuncupatum S. situat' in foro suo vocato le Market stead in villa C. in Com' D. soluend'. Et si contingat pred' annuitatem siue annual' redd' vij. l. aretro fore, in parte, vel in toto, per spaciū xiiij. dier', post predictam decimā diem Sept' quo vt prefertur solui debeat, non solut', quod tunc pred' C. et hered' sui forisfacient eidē A. et heredibus suis xiij. s. iiij. d. nomine pœnæ, toties quoties pred' annuitas siue annualis reddit', aut aliqua inde parcella, sic aretro fore contigerit. Et bene licebit pred' A. et heredibus suis in pred' manerium, et cetera premissa cum pertinen', et in quamlibet inde parcel' intrare, et distringere, tam p pred' annuitate siue annuali reddit' vij. l. et p qualibet inde parcell', quam p predict' xiij. s. iiij. d. nomine pœnæ eidem A. et heredibus suis forisfact' toties quoties sic aretro fore contigerit non solut', districtionesque sic ibid' capt', et habit', licite abducere, asportare, et effugare, et pene se retinere, quousque tam de pred' annuit' siue annali redditu vij. l. quā p pred' xiij. s. iiij. d. nomine pœnæ toties forisfact' plenarie fuer' eidem A. et heredibus suis satisfact' et persolut', &c.

A Fine in which the Conusors grant to the Conusee in tayle, an annuall rent of foure pound issuing out of a Manor payable at two feasts in the yeare, with a clause of distresse for the said rent, and for twentie shillings Nomine pœnæ if the rent be not paied.

Staff. ss. PRæcipe, &c. quod iuste, &c. tenẽ conuenc' &c. de manerio de B. Et nisi, &c. &. 102.

Et est concordia talis, scil. quod pred I.B. & E. recogn̄ manerium pred' cũ pertiñ esse ius ipsius R. vt ill' quæ iidẽ R. & M. habent de dono pred' I. et E. Et ill' remiser̄ et quiet̄ clam̄ de ipsis I. et E. et her̄ ipsius E. præd' R. et M. & her̄ ipsius R. imperpetuum. Et præterea iidem I. & E. concesser̄ p̄ se et hered' ipsius E. qđ ipsi warrant̄ pd' manerium cum pt̄iñ prefat̄ R. et M. et her̄ ipsius R. contra omnes homines imperpetuũ. Et p̄ hac recognitione, remissione, quiet clamatione, warr̄, fine & concordia ijdẽ R. & M. conces. p̄ se & hered' suis pref. I. et E. & hered' de corpore ipsius E. legitime p̄creat̄, quatuor libras red̄, exeunt̄ de mañio pred' cum pertinen̄. Et ill' eis red̄ in eadem Curia. Habend' & percipiẽd' singulis annis, sc. vnam medietat̄ inde ad festũ S. M. & aliam medietat̄ inde ad festũ Annunciationis beatæ Mariæ virginis iisdẽ I. & E. et her̄ de corpore eiusdem E. legitime p̄cr̄, æquis porcionibus annuat̄ soluend' per man' tenẽtium qui idem maneriũ cum pertiñ imposter̄ tenebunt. Et præterea ijdem R. et M. conces. p̄ se et herd' suis, q̄ si pred' redd' ad aliquem tm̄inum, quo solui debeat, aretro fuer̄ in pte, vel in toto q̄ tũc bene licebit pf. I. et her̄ de corp' ipsius E. legitime p̄cr̄, distriñ præd' R. & M. et her̄ suos, ac illos qui idem mañium imposter̄ tenebunt p̄ oia bona et catalla in eod' manerio cum pertinen̄ inuen̄, p̄ xx. solid' nomine pœnę, p̄ quolibet tm̄ino, sic aret̄ existent̄ p̄ spaciũ vni' mensis. Et ea retinere vsq̄ ad plenam soluc' tam de pred' quatuor libr̄ redd', quã de præd' xx. solid' nomine pœnæ quæ eis sic aret̄ fuer̄, &c.

A Writ of Covenant for the King, for the Tith Corne of a Parish, and the manner of the Endorsement thereof, by his Attorney Generall.

Essex. ss. PRæcipe A.B. & C. q̄ tenẽ nobis conuenẽt inter nos & p̄fat̄ A. & C. factam de omnibus et omnimod' decimis granor̄ crescen̄, p̄mien̄, siue renouañ infra parochiam de Hoton. Et nisi fecerint, summ̄ per bonos summonit̄, &c. &. 103.

The breue indorsed sic.

Edwardus Coke armig' Attorñ domiñ Reg. generalis pro eodem domino Rege sequitur hoc breue.

A Fine knowledged by T. W. to I. K. of one meſuage, one barne, of land, meadow, and paſture, and warranty againſt all men.

Effect. ſ. PRæcipe T. W. ar. q. iuſte, &c. tenebat I. R. conuenc' int' eos Sect. 104.
fact', de vno meſuagio, vno horreo, 2. acris terre, quatuor
acris prati, & decem acris paſtur' cum pertin' in L. Et niſi, &c.
Et eſt concordia talis, ſc. qd' pred' T. recogn' tenta pred' cum pertinentijs eſſe ius ipſi' I. vt illa quæ idem I. habet de dono pred' T. Et illa remiſit et quiete clamauit de ſe et heredibus ſuis imperpetuũ. Et preterea id T. conceſſit, p ſe et her' ſuis qd' ipſe warrantizabit tenenta pred' cũ pertinentiis pfat' I. & her' ſuis contra omnes homines imperpetũ. Et p hac recogn', &c.

A Fine knowledged by T. B. and E. his wife, of a Manor, of two meſuages, of land, paſture, wood, and rent, and fiue ſhillings rent, to I. K. with warranty againſt all men; and the ſaid I. K. by the ſame Fine granteth and rendreth backe againe the premiſſes to the ſaid Conuſors, and to the heires of the ſaid T. one of the ſaid Conuſors for euer.

PRecipe T. B. et E. vxori eius qd' iuſte &c. tenebant W. L. Sect. 105.
et I. K. conuentiones int' eo fact' de manerio de W. cũ pertin' ac de duob' meſuagijs, octaginta acris terre, centum acris paſturæ, ſexaginta acris boſci, & quinque ſol' id' redditus cum pertin' in H. & B. Et niſi, &c.
Et eſt concordia talis, ſc. quod pred' T. & E. recognouerunt manerium tenta et reddit' pred' cũ pertin' eſſe ius ipſius W. vt illa quę ijdem W. & I. habent de dono pred' T. et E. & illa remiſſerunt et quiete clamauerũt de ipſis T. et E. et her' ſuis pref' W. et I. & her' ipſius W. imperpetuum. Et preterea ijdem T. et E. conceſſer' p ſe & her' ipſius E. quod ipſi warrant' maneria, tenementa et reddit' pred' cum pertinentijs pref. W. et I. et her' ipſius W. contra omnes homines imperpetuum. Et p hac recognitione &c. ijdem W. et I. conceſſer' pred' T. manerium tenenta et redd', pred' cum pertin' & illa ei reddiderunt in eadem Curia. Habend' & tenend' eidem T. et her' ſuis imperpetuum.

A Fine knowledged by H. K. and I. his wife, I. C. and K. his wife, to R. G. of one meſuage, one gardein, of land and paſture, and the ſame Conuſors for them and the heires of Ia. doe warrant two parts of the premiſſes in three parts diuided to the Conuſee and his heires againſt all men for euer.

PRecipe I. H. & I. vxor eius q. iuſte, &c. ten' R. G. conuen' inter eos Sect. 106.
fact' de vno meſſ. vno gardin' 40 acris terr', & 4. acris paſturæ cum pertin' in &c. Et niſi, &c.

Et

Et est concordia talis, q̃ p̃d I. & I. recogn̄ tenta p̃d cum ptin̄ esse ius ipsius R. vt illa q̃ idem R. habet de dono p̃d H. & I. I. & K. & illa remis. & quiet̄ clam̄ de ipsius H. & I. I. & K. & her̄ suis p̃f. R. & hered̄ suis imperpet̄. Et preterea ijdem H. & I. I. & K. concesse. p̃ se & hered̄ ipsius I. q̃ ipsi warr̄ duas partes ten̄tor̄ p̃d cum pertin̄ in tres partes diuid̄ p̃f. R. & hered̄ suis contra omnes homines imperpet̄. Et p̃ hac, &c.

A Fine knowledged by I. F. Knight, and M. his wife, and R. H. of two messuages, one gardein, one orchard, and of land, medow, and pasture, to T. P. and I. K. with warrantie against all men. And the Conusees by the said Fine grant, and render to the said Cuse of the Conusors in the Fine, sixe acres of land, &c. parcell of the premisses for one moneth to come next, and afterwards the same to remaine to one I. now the wife of R. N. and R. N. sonne of the said R. and I. during their liues, and the longer liuer of them. And after their decease the said sixe acres of land to remaine to I. N. daughter of the said R. and I. his wife, during her life, reserving a rent with clause of distresse for non payment thereof, and the reuerse of the premisses, viz. the two messuages, one gardein, one orchard, &c. the said Conusees grant and render to I. R. H. for one moneth, and afterwards to one R. N. and I. his wife. To haue and to hold to the said R. and I. during their liues, and the longest liuer of them, reseruing also thereupon a rent with a clause of distresse for non payment thereof. And lastly the said Conusees do grant and render the reuersion of the whole premisses, and the seuerall rents reserued vpon the said grants and renders vnto the said I. F. and M. his wife, two of the said Conusors, and to the heires of the said I. F. for euer.

Sect. 107. PRec̄ I. F. milite ac M. vx̄ eius, & R. H. q̄ iust̄ &c. ten̄ T. P. & I. K. &c. de ij. mess. ij. gard. j. pom. j. acris terre, viij. acris prat̄, & lviij. acris past̄ cum pertin̄ in M. Et nisi, &c.

Et est concordia talis, scz. quod præd̄ I. M. & R. recognouerunt ten̄t̄ pred̄ cum ptin̄ esse ius ipsius T. vt ill̄ q̄ id̄ T. & I. habēt de dono pref. M. et R. Et ill̄ remis. & quiet̄ clam̄ de ipsis I. M. & R. & hered̄ suis p̃d T. & I. et her̄ ipsius T. imppet̄. Et p̃terea ijd̄ I. F. M. et R. concess. p̃ se & her̄ ipsius I. q̃ ipsi warr̄ ten̄t̄ p̃d cū ptin̄ p̃f. T. & I. et hered̄ ipsi T. cōt̄ oēs hoies imppet̄. Et p̃ hac, &c. ijd̄ T. et I. concess. p̃d R. vj. acr̄ tre, iij. acr̄ prat̄, & 46. acr̄ past̄. de ten̄tis p̃d cū ptin̄ et ill̄ ei redd̄ in ead̄ Cur̄. Hēd̄ et tenēd̄ eid̄ R. pro tm̄ viij. mēsis iam prox̄ futur̄. Et post tm̄ ill̄ fin̄ easd̄ 6. acr̄ tr̄æ, 3. acr̄ prat̄, 46. acr̄ past̄. cū ptin̄ integr̄ rem̄ cuid̄ I. modo vx̄ cujusd̄ R. N. et cuid̄ R. N. filio eor̄ R. et I. Hēd̄ et tenēd̄ p̃f. I. & R. tota vita ipsor̄ I. et R. et eor̄ alteri⁹ diuti⁹ viuen̄. Et post decess. eor̄ I. & R. easd̄ 6. acras terr̄, 3. acras prati, & 46. acras past̄. cū ptin̄ integre remañ I. N. filiæ p̃d̄ R. et I. vxor̄ eius: Hēd̄ et tenend̄ eid̄ I. filiæ tota vita

Warrantie.

The render of the parcell of the premisses.

The rent.

vita eiusd̄ I. filie redd̄ inde annuat̄ pred̄ T. et I. et her̄ quinis cent̄ et 8. s. 10. d. ad festū Annūc̄, &c. p̄ equales porc' annuat̄ soluend̄. Et si cōtingat pred' annuā reddit̄ C viij. s. x. d. vel aliquam inde p̄cellam à retro fore in p̄te vel in toto p̄ aliqd̄ festū festorum pred' quo fiue quibus (vt prefertur) solui debeat non soluti. Qd̄ tunc bene liceat pred' T. et I. her̄ & assign̄ suis tam tota vita natur̄ pred' I. et R. N. modo vxor̄ pred' R. et eorū alterius diuti' viuen̄ quam tota vita pred' I. fil' in pred' 6 acr̄ terr̄ &c. cum p̄tin̄ et in quamlibet inde parcell' intrare et distringere, et districtiōn sic ibid' capt̄ liceat inde abducere effug' et penes se retinere quousq; de pred annuali reddit̄ C viij. s. x. d. et de qualibet inde parcell' vna cū arrerag' eiusd' si q̄ fuerint eis plenar̄ fuer̄ satisfact̄ et p̄solut̄. Et vlteri⁹ ijdem T. et I. conc' pred' R. H. duo messuagia, vnum pomar̄, vnum gardin̄, 16. acr̄ terr̄, 3. acr̄ prati, et 12. acr̄ past̄ resid' cū pertin̄ tenēt' pred'. Et illa ei redd' in eadem curia. Habend' et tenend' eid' R pro termino vnius mensis. Et post terminum ill' finit̄, eadem duo messuagia, vnū gardin̄, vnum pomar̄, 16. acr̄ terr̄, tres acr̄ prati, et duodecē acr̄ past̄ resid' integre remān̄ eidā R. N. et I. vxori eius. Habend' et tenend' eisdem R. N. et I. tota vita ipsor̄ R. N. et I. et her̄ eorum alterius diutius viuen̄. Reddend̄ inde annuatim pred' T. et I. et her̄ eorum 13. s. legalis monete Ang' ad festa pred' per equales porcion̄ soluend̄. Et si contingat pred' annuā reddit̄ 13. s. aut aliquam inde parcellam à retro fore in parte vel in toto post aliqd̄ festum festor̄ pred', quo vt prefert̄ solui debeat non soluti. Qd' tunc bene licebit pref. T. et I. in pred' duo mes', vnū gard', vnum pomar̄, 16. acr̄ terr̄, 3. acr̄ prati, et 12. acr̄ past̄ resid' cum pertin̄, et quamlibet inde parcell' intrare et distringere, districtionesq; ibidem sic capt̄ liceat abinde abducere, effugare, et penes se retinere quousq; de pred' redd' 13 s. vna cum arrerag' eiusdem si que fuerint plenar̄ fuerint satisfact̄ et p̄solut̄. Conc' etiam pred' T. et I. K. pred' I. F. et M. reuersiōn omnium et singul' tenēt' pred' cum p̄tin̄ et oēs reddit̄ pred' super̄ reseruat', et illa eis reddider̄ in ead' curia. Habend' et tenend' eisd' I. et M. et her̄ ipsius I. im ppetuū de capital' dnis feodi illi⁹ p̄ seruitia quæ ad pred' tenēt' cū p̄tin̄ p̄tinent imperpetuum.

A clause of distresse.

The rendes of residue.

Rent for the residue.

A clause of distresse.

The render of the reuersion of all the premises and all the rents reserued.

A fine knowledged by G. H. and D. his wife. T. S. Esquire, and M. his wife of xl. acres of land to R. B. and W. N. with warrantie. And the conusees doe grant and render to the said D. and to his heires, all mines of coales in a close parcell of the premisses called Stanley field, with libertie to dig for the same.

Sect. 108.

PRecipe G. H. arm̄ et D. vxori eius, T. S. arm̄, et M. vxor̄ eius, quod iuste, &c. teneant R. B. et W. W. conuentionem inter eos fact̄ de 40. acris terr̄ cum pertin̄ in Stanley et Spendon. Et nisi, &c.

Et est concordia talis, s̄c. quod pred' G. D. T. et M. recognouer̄ tenementa pred' cum pertin̄ esse ius ipsius R. vt illa quæ ijdem R. & W. habent

habent de dono pred' G.D.T.& M. Et illa remiserunt et quiet clamauer de ipsis G.D.T.& M.& hered. suis pref. R.& W.& hered ipsius R. contr pred' G.D.T.& M.& hered. ipsius T. imppetuũ. Et p hac recognitione,&c. pred. R.& W. concesserunt pf G.D. omnes mineras carbonum vocat all mines of Coles, existen in quodam campo parcel tenem pred. vocato Stanley field: necnon libr ingressum & egressum in et super pred camp de fodend in mineris illis p carbonibus illis omni tẽpore anni ad liberum ipsorum G.& D.& hered. eiusdem D. Et illa omnia eis reddiderunt in eadem cur. Habend capiend' & pcipiend' pred minet, ingressus, egressus, ad libertat' pd cum pert pf. G.& D.& hered ipsius D. imperpetuum.

The Conusees doe graunt & render coale mines in part of the premisses to two of the conusors and libertie to get them.

A fine acknowledged by W.K. and K. his wife, of the third part of one messuage, one barne, one garden, &c. to I.K. and T.H. with warrantie against all men; and the said conusees doe grant and render to the said S. one of the conusors, the said third part of the premisses from Mich. or the Annunciation, &c. which first shall happen to be next after the death of one E. now the wife of W.T. for the terme of 21 yeares, reserving a rent yearely to the Conusees with a clause of distresse for the said rent. And lastly, the said Conusees grant and render the reuersion of the said premisses to W.K. and K. his wife, being two of the said Conusors in the said fine, and to the heires of the said K. for euer.

Rent for the residue. A clause of distresse.

Sect. 109.

PRecipe W.K.& K. vxori eius quod iuste &c. teneant T.K.& T.H. conuentionem inter eos fact. de tertia parte vni' messuagij, vnius horrei, vnius gardini, xxx acrarum terræ, duarum acrarum prati, & x acrarum pasturæ cum ptinen in, &c. Et nisi &c.

Et est concordia talis, sc. quod pred' W.K.& S. recognouerunt tertiam partem pred' cum pertin esse ius ipsius I. vt illa quæ iidem I.& T. habent de dono pred' W.K.& S. Et illa remiserunt & quiet clamauerunt de ipsis W.K.& S.& hered' suis pref. I.& T.& hered' ipsius I. imperpetuum. Et preterea iidem W.K.& S. concesserunt p se & hæred. ipsius K. quod ipsi warrant tertiam partem prædict' cum pertinentijs pretat I.& T.& hæred. ipsius I. contra omnes homines imperpetuum. Et pro hac recognit iidem I.& T. concesser prædict' S. tertiam partem præd. cum pertin & illam ei reddiderunt in eadem Curia. Habend & tenend eidem S. a festo Sancti Michael Arch. vel a festo Annunc. beatæ Mariæ Virginis quod prius & proxim contigeret vel erit post mortem cuiusdam E. modo vxoris W. T. & nuper vxor R. C. defunct. vsque ad finem & terminum xxj annorum extunc pxim sequen & plenar complend; Reddend inde per Ann pred I.& T. xij s.

Warranty.

The render.

ad

d̄. ad festum Annuntiationis beatæ Marię virginis & sancti Michaelis Archang' p̄ equales porciones soluend̄. Et si contingat præd' annuale redd̄ xij. d. vel aliquam inde parcellam arretro fore in parte vel in toto post aliqd festum festo' pred' quo vt prefertur solui debeat non solut̄, qđ tunc bene licebit pref. I. et T. hered' & assign̄ suis in tertiam part̄e pred' cum pertin̄, & in quamlibet inde parcell̄ intrare & distringere, districtionesq; sic ibid̄ capt̄ liceat ab inde abducere, effugare, asportare & penes se retinere, quousq; de præd' annuali redd̄ xij. d̄. & d̄e quālibet inde p̄cella vna cum arreragijs eiusd̄ si quę fuerint, plenarie eis fuerit satisfact' & persolut̄. Concesser̄ etiam præd' I. K. & T. H. præd' W. & K. reuersion̄e iij. partis pręd' cum pertin̄ & redd' præd' superius reseruat̄. Et illa eis reddider̄ in ead' curia: Habend' & tenend' eisd̄ W. & K. & hered' ipsius K. imperpet̄ de capital' dnis feod̄ illius per seruic' quæ ad eandem tertiam partem pertinent imperpetuum.

Clause of distresse for the rent.

The grant of the reuersion and the rent reserued vpon the lease for 21. yeares.

A Fine knowledged by W. P. and M. his wife, of a Manor, &c. one water mill, one wind mill, three douehouses, &c. to E. B. and R. C. and the Conusees by the same Fine do grant vnto the said M. a yearely rent of xij. li. going out of the said Manor: Habendum *from Michaelmas or the Annunciation next after the death of the said W. P. her husband, and one of the Conusees in the said Fine during her life, in the full recompence of her title of Dower or Iointure in any of the Lands of her said husband, with a clause of Distresse for the said rent. And lastly, the said Cognisees grant and render againe the said Manor, &c. to the said W. P. the Conusor, and husband to the said M. and to his heires for euer.*

ET est concordia talis, s̄c. quod præd' W. & M. recogn̄ manerium & tenta præd' cum pertin̄ esse ius ipsius E & R. vt illa quæ ijdem E. & R. habent de dono pręd' W. & M. Et illa remisserunt & quiete clamauer̄ de se & hered' suis pref. E. & R. et hered ipsius E. imperpetuum. Et preterea ijdem W. & M. concesser̄ p̄ se & hered' ipsius W. quod ipsi warr̄ maner̄ & tenta pred' cum pertin̄ pref. E. B. & R. & hered' ipsius E. contra omnes homines imperpetuum. Et pro hac recognitione &c ijdem R. & E. concesser̄ pref. M. quandam annualem redd̄ xij. l. exeun̄ de pref. Manerio & tenementis cum pertin̄. Habend' & tenend' et annuatim percipiend' præd' annualem reddit xij. l. pref. M. & assign̄ suis a festo sancti Michaelis Archangeli vel Annunc' beatę Mariæ virginis proxim̄ & immediate sequent̄ post mort̄e præd' W. pro & durante vita naturali eiusdem Mariæ ad duos annī terminos, viz. ad festa sancti Michaelis Archangeli & Annunc' beatæ Mariæ virginis equalibus portionibus annuatim soluendū in plenam recompentionem totius tituli vel Iuncture siue dotis quæ eidem M. contingere debent de aliquibus

Sect. 110.

Warrantie.

A grant of a rent in recompence of iointure & dowen

terris

terris vel tenẽtis pred' W. P. Et si contingat pred' annuã redd xij.l. vel aliquam inde parcellam à retro fore p aliquod festum festorum præd quo siue quibus vt prefertur solui debeat. Quod tunc & toties bene licebit pred' M. & assignẽ suis in pred' manerĩ & tenementũ siue in aliquã inde pcellam intrare et distringere, et districtiõ siue districtiones sic ibid capt abducere, effugare, et penes se retinere quousq; de præd' annuali redd xij.l. & de qualibet inde parcella vna cum arreragijs eiusdem si quæ fuerint plenarie satisfact' fuerint & persolut: Et vlterius ijdem E. et R. concesserũ pred' W. manerĩ & tenta pred' cum pertiñ & illa ei reddiderũ in eadẽ curia: Habendũ & tenendũ præd manerĩ cum pertiñ pref. W. & heredĩ suis imperpetuũ. Tenendũ &c.

The render of the manor, &c to the conuisor and his heires for euer.

A fine knowledged by I. G. and M. his wife to R. R. Knight, Lord R. of one messuage, one barne, and c. v.s. rent, the Parsonage of B. and the aduowson of the vicarage of B. with warrantie against the conusor and his wife, and the heires of the husband.

Sect. iii.

PRæcipe I. G. alias G. & M. vxori eius qdã ipse &c. teneat R. R. militĩ Domino R. conuentionem &c. de vno messuagio, vno horrĩ, xv. acrĩ terræ vj. acris prati, xx. acris pasturæ, & v.s. reddũ cum pertiñ in B. ac de rectoria de B. pred': Necnon de aduocatũ vicariã Eccles. de B. Et nisi &c.

Et est concordia talis, scilicet quod pred I. & M. recognouerũ præd' tenta reddũ & rectoriam cum pertiñ ac aduocac' præd esse ius ipsius dñi R. vt illa quæ idem dñus R. habet de pdõ I. et M. et illa remiserũ & quiete clamãt de ipsis I et M. et hered' suis pref. dñi R. et hered' suis. Et pterea ijdem I. & M. conc' p se et hered' ipsius I. qd ipsi warrantizabũt præd' dño R. et hered' suis pred' tenta reddũ et rectoriam cum ptiñ ac aduoc' pdõ contra pred' I. & M. et hered' ipsius I. imperpet'. Et pro hac, &c.

A fine knowledged by I. S. and M. his wife of one garden, &c. with two seuerall warranties. The first warrantie against the conusors and their heires onely: and in the second, the said I. S. and M. his wife grant to warrant the premisses for them and the heires of the husband against all men.

Sect. iii.

PRecipe I. S. & M. vxori eius qd iuste &c. teneant N. W. conuenc' inter eos fact' de vno gardino, & decem acris terræ, cũ pertiñ in S. Et nisi &c.

Et est concordia talis, scilicet quod pred I. et M. recognouerũ tenta præd' cum pertiñ esse ius ipsius N. Et illa remiserunt et quiete clamãt de ipsis I. et M. et hered' suis prefat N. & heredĩ suis imperpetuum. Et pterea ijdem I. et M. concesserũ pro se et hered' ipsius I. quod ipsi warrantiza-

The first warrantie.

tizabunt tenta præd' cum pert' præf. N. & hæred' suis imperpetuũ. Et præterea ijdem I. & M. concess. p se et hær ipsius I. q ipsi war præd' tenementa cũ pert' præf. N. & hær suis contra omnes hoes imperpetuũ. Et pro hac, &c. The second warrantie.

A fine knowledged by E.R. of a manor, &c. twelue messuages, x toftes, x gardens, two Wind-mills, &c. and fixe pound rent, with Warrantie against all men.

PRecipe E.R. arm. qd iuste, &c. teneat H.W. gen, conuẽtionem inter eos fact' de manerio de S. cum pertiñ, ac de xij messuagijs, x toftis, x gardinis, duobus molend ventif, 600 acris ter, 40 acris prati, 6 acris pasturæ, duc' acr bosci, quingent acris iampn & brueræ, & 6 l reð cũ pert in, &c. Et nisi, &c. Sect. 113.

Et est concordia talis, sc. quod præd E.R. recognouit maneriũ tenta & red' præd' cum pertinentijs esse ius ipsius H.W. vt ill' q idé H. habet de dono præd' E. Et illa remisit et quiete clamauit de ipso E. et hef suis præd H. et hær suis imperpetuum. Et preterea idé E. concessit pro se et hær suis q ipsi warrantizabunt præd' H. et hær suis manef, tenem & red' præd' cũ pertinentijs, contra oẽs hoes imperpetuum. Et p hac, &c.

A Fine acknowledged within the Countie of Chester, by H.S. Esq. to W.F. & R.C. of diuers mannors, &c. with warrantie against all men. And the conusors by the same Fine grant and render the same mannors &c. vnto the conusor and his heires males, and for default of such heires males, then to certaine persons for the life of I.S. brother vnto the said Conusor, and after his death to his heires males. And if the said I.S. died without heire male, then to diuers other of the name and kindred of the Conusor, and to their heires males, and for default of such heires, the last remainder in fee to the right heires of the conusor for euer.

HÆc est finalis concordia fact' in curia domini regis apud Cestr. a die Lunæ, &c. Anno &c. coram M. H. milit Insticiario dom regis & alijs domini regis fidelibus tunc ibidé presentibus inter W.F. et R.C. quer, et H.S. de O. in com Cestriæ arm, de manef de O. & O. cum pertinentijs, ac de xiij messuagijs, 300 acr ter, 200 acr prati, 500 acr pasturæ, 60 acr bosci, C acr mori et marisci, et ij s reddit cum pertiñ in O. O. in C. et W. ac de medietate manerij de H. cum pertin', et de 6 messuagijs, C acris terræ, C acr prati, xx acr pasturæ, ij acris bosci, & xx acris iampnorum & bruerie cum pertinentijs in E. Vnde pla- Sect. 114.

placitum conuentionis summonit fuit inter eos in eadem cur, scil', qd̄ pd̄ H. recogn̄ manerī tenta & reddit̄ pd̄ cum pertī, ac præd' medietatem suam manerij de E. & præd' tenem' in E. præd' cū pertin̄ esse ius ipsius W. vt illa q̄ ijdem W. & R. C. habent de dono p̄dict' H. Et illa remisit & quiete clamauer de ipso H. & hæred' suis præf. W. & R. & hered' ipsius W. imperpetuum. Et preterea idē H. concessit pro se & hered' suis q̄ ipse & hered' sui warrant̄ maneria, tenta, & reddit̄ prædict' ac præd' medietatē prædict̄ manerij de E. & prædict' tenta in E. prædict' cum pertin' præf. W. & R. & hered' ipsius W. contra omnes hoēs imperpetuum, Et pro hac recogn̄, remissione, quiet clam̄, warr', fine, & concordia prædict̄ W. & R. in eandē Curia concessīō præfi H. M. manerī tenta & reddit̄ præd' ac præd' medietat̄ præd' man̄ de E. & præd' ten̄ in E. p̄d̄ cum pertin̄, & illa ei reddider in eandē Cur', Habend' eidem H. & hær masculis de corpore suo legitime procreat̄. Et si cōtingat præd' H. obire sine hæred' masculo de corpore suo legitime p̄cr̄. Qd tunc prædict̄ manerī, tenta & reddit̄, ac prædict' medietas præd' manerij de E. ac p̄d̄ tenta in E. cum pertin' postmortē præd' H. S. R. S. filio & hæred' appar. ren' T. S. arm̄ R. S. filio E. S. R. B. & E. B. proter mino vitæ I. S. fratris p̄d̄ H. remaneant. Ita q̄ manerī tenta & red' præd' ac prędict̄ medietat̄ predict̄ manerī de E. & prædict̄ teneméta in E. cum pertinentijs post mort præd' I. S. hæred' masculis de corpore prædict̄ I. legitime procreat̄ remaneant. Et si contingat eidem I. S. sine hered' masculo de corpor̄ suo legitime procr̄ obire, qd tunc manerī tenementa & reddit̄ præd', ac predict̄ medietas præd' manerij de E. & præd' tenement̄ in E. præd' cum pertī, T. S. de S. armig' & hered̄ masculis de corpore suo legitime procr̄ remaneant. Et si contingat prædict̄ T. S. sine hæred' masculo de corpore suo legitime procr̄ obire, qd tunc prædict̄ manerī, tenementa & red̄, ac præd̄ medietas dict̄ manerij de E. & prædict̄ tenementa in E. præd̄ cum pertinen̄ T. S. filio G. S. & hæred' masculis de corpore eiusdem T. S. filij prædict̄ G. legitime procr̄ remaneant, &c. Et si contingat eidem G. sine herede masculo de corpore suo legitime procr̄ obire, quod tunc manerī tenem̄ & redd̄ prædict̄ ac prædict̄ medietas dict̄ manerī de E. & tenementa p̄d̄ in E. præd̄ cū pertī rectis hered̄ præf. H. S. remaneāt imperpetuum.

Warrantie.

The render.

Remainders in Taile.

The remainders after the death of I S. the Conusors brother to the heirs males of the said I. S.

The other remainder if the said I. S. die without heire male.

The last remainder in fee to the right heires of the Conusor for euer.

A Fine knowledged before the Iustices of Chester by B. P. and E. his wife, of a Manner, &c. one Water-mill, one Done-house, one garden, two Orchards, &c. with warrantie.

Sect. 115.

PRæcipe B. P. & E. vxor eius quod iuste &c. teneant I. S. Arm̄, conuentionem inter eos fact̄ de Manerī de O. al O. ac de vno molendino aquatico, vno columbario, vno gar-

gardino, duobus pomarijs, centum acr̃ terræ, ſexaginta acr̃ prati, ducent̃ acr̃ paſturę, quadraginta acris boſc', centum acr̃ bruere, treſcent̃ acris more, centum acris turbariæ, quinquaginta acris mariſci, triginta acris terræ aqua cooperť cum pertinentijs in O. Et niſi, &c.

Et eſt concordia talis, ſcz. qd pred' B. E. recogn̄ manerium & tenemen̄t præd' cum pertin̄ eſſe ius ipſius I. Et ill̄ remiſ. & quiet̄ clam̄ de ſe & hęred' ſuis præfat̄ I. & hæred' ſuis imperpetuum. Et preterea præfat̄ B. & E. conceſſ. pro ſe & hæred' ipſius B. quod ipſi warrantizabunt maneria & tenementa predict' cum pertinentijs præfat̄ I. & hered' ſuis contra prefat̄ B. & E. & hered' ipſius B. imperpetuum. Et p̄ hac &c. Warrantie.

A Fine knowledged by an Earle and his wife of a manor, aduowſon, liberties, free warren, and free fiſhing, and a fould courſe for 2000. ſheepe.

PRecipe Tho. comiti Suſſex & Fran. vxor̄ eius quod iuſte &c. ten̄ Will̄ Curſon arm̄ conuenc' inter eos fact' de manerio de B. cum pertin̄ ac de 80. meſſuagijs, 50. cotagijs, 10. toftis 100 gardinis, 60. pomarijs, 400. acris terræ, 60. acris prati, 200 aacris paſturę, 20. acris boſci, 40. acris iampnorum & bruere, 200. acris more, 100. acris alneti 20. s. redd̄ cum pertin̄ in Bil. lingfod alias Billingforth, Bylowe alias Bylingh, &c. necnon aduocatione Eccleſiæ de Bylingfoord, ad de libertate vni' Foldagij ad 2000. ouium. libera warrenna, & libera piſcaria in B. &c. Et niſi &c. Sect. 116.

Et eſt concord̄ talis, ſcz. quod pręd' comes & Franciſ. recognouer̄ prædict' maneria tenem̄t & reddit̄ cum pertinentijs ac aduocationem libertat̄ libr̄ warren̄ & liberā piſcar̄ præd' eſſe ius ipſius W. vt illa quæ idē W. habet de dono pred' comitis & Fr. Et illa remiſer̄ & quiet̄ clam̄ de ſe & hered' ſuis imperpet̄. Et præterea ijdem comes & Fr. conceſſ. p̄ ſe et hered' ipſius comitis qd ipſi warran̄ mañiū tenem̄ta et reddit̄ p̄dict̄ cum pertin̄, ac aduocac', libertat̄, liber̄ warren̄, et liberam piſcar̄ præd' pref. W. et hered' ſuis contr̄ oēs hoies imperpet̄. Et p̄ hac, &c. Warrantie.

A Fine knowledged by the husband and the wife, and a third perſon of certaine acres of land, meadow, and wood, and the husband and the wife warrant the land to the Conuſees, and to the heires of one of them: and the ſame Conuſees grant and render againe the land to E. wife of one of the Conuſors from Michaelmas paſt for the terme of 99. yeares without impeachment of waſte, yeelding a rent to the Conuſees, and to the heires and aſſignes of one of them with a clauſe of diſtreſſe for non payment

of the rent: and afterwards they grant the rent and the reuersion of the lands in fee to one W. W.

Sect. 117.

PRecipe W. Walgraue arm & E. vxori eius & E. E. qd iuste, &c. teneant R. R. & T. G. conuenc' &c. de duabus acr & dimid' prati & 70. acris bosci, cum pertin in E. Et nisi &c.

Et est concordia talis, scz. quod præd' W. E. & E. recognouer præd' tenementa cum pertin esse ius ipsius R. vt illa quę idem R. & T. habet de dono præd' W. E. & E. Et ill remiser et quiet clamauer de ipsis W. E. & hered' suis præd' R. et T. & hæred' ipsius R. imperpet. Et pterea præd' W. et E. concess. pro se et hered' ipsius W. quod ipsi warrantizab' præd' R. & T. et hered' ipsius R. prædict' tenement cum pertin contra omnes homines imperpetuum. Et pro hac recognition &c. præd' R. R. & T. G. concess. pref. E. præd tenta cum pertin et illa ei reddit in eadē curia. Habend' & tenend' eidem E. à festo S. Michaelis Archangeli iam vltimo preterit vsq; ad finem & termin 99. annorum tunc pxim' sequen et plenarie complend absq; impetitione alicuius vasti. Redd inde annuat pref. R. et T. & hered' & assignat ipsius R. duran toto termino præd sexagint solid et vnū denar legalis monetę Angliæ ad festum Annunciationis beatæ Mariæ & S. Michaelis Archangeli æquis porciones soluend: Et si contingat præd' reddit 60. s. et vni' denar aretro fore in parte vel in toto post aliquod festum festor pred' quibus vt premittitur solui debeat non solut, qd tunc bene licebit prefat R. et R. et hered' et assignat ipsius R. in tenta præd cum pertin intrare et distrin et district' ibid sic capt abducere et asportare et penes se retinere quousq; de præd reddit vna cum arreragijs eiusd si quæ fuerint plenar fuer satisfact' content, & persolut. Et vlterius ijdem R. R. et T. G. concess. præd' reddit præd' 60. s. et vnius denar ac reuersionem tenorum præd' cum pertin præf. W. W. et hered' suis imperpetuum.

Capt & recognit fuit coram me W. Bendlose seruien ad legem apud S. in parochia de B. &c.

Warrantie.

Therender.

Clause of distresse.

The render of the rent & reuersion of the land to one in fee.

A Fine knowledged by two vnto one, with warrantie against all men.

Sect. 118.

A fine sur cognisance de droit.

ET est concord talis, scz. qd præd L. G. & T. B. recognouer tent prædict' cum pertin esse ius ipsius I. G. vt illa quę idem I. habet de dono præd L. et T. Et illa remiser et quiet clam de ipsis L. G. et T. et hered' suis imperpetuum. Et præterea ijdem L. G. et T. concess. pro se et hered' ipsius G. quod ipsi warran' predict' I. et hered' suis tenemta præd cum pertin, contr oes hoies imperpetuum. Et pro hac &c.

The warranty

A Fine knowledged of two meſſuages, and two gardens, &c. by the husband and the wife, and diuers others, to W. C. with ſeuerall warranties.

PRecipe R.F. & E. vxori eius & G. C. & B. vxori eius qd tenẽt W. C. geſn. conuenc' &c. de 2. meſſuag', 2. gard', vno pomar', 30. acris terræ, 10. acris prati, 40. acris paſturæ, & 16. s. redd' cum pertinentijs in W. D. Et niſi &c. Sect. 119.

Et eſt concordia talis, ſcz. qd predict' R. & E. G. & B. recogn' tenta, prædict' cum pertin' eſſe ius ipſius W. vt illa quæ idem W. habet de dono præd' R. & E. G. & B. Et illa remiſer' & quiete clam' de ipſis R. & E. & hered' ipſorum G. E. & B. pref. W. & hæred' ſuis imperpetuũ. Et præterea ijdem R. & E. conceſſ. p̃ ſe & hered' ipſius E. qd ipſi warrantizabũt tenta p̃d' cum ptiñ p̃f. W. & hæred' ſuis contr' omnes homines imperpetuũ. Et vlterius ijdem G. & B. conceſſ. p̃ ſe & hæred' ipſius B. qd ipſi warrant' tenem't præd' cum pertiñ pref. W. & hered' ſuis contr' præd' G. & B. & hered' ipſius B. imperpetuum. Et pro hac &c. Generall warrantie. Speiall warrantie.

A fine knowledged of foure meſſuages, one toft, three barnes, three gardens, three orchards, &c. to W. S. and N. W. with warrantie.

INter W. S. & N. W. quer' & O. B. & A. vxor eius deforc' de 4. meſſuag', 1. toft tribus horreis, tribus gardinis, tribus pomar', 20. acr' prati, 6. acr' paſturæ cum pertin' in K. & B. Sect. 120.

Et eſt concordia talis, ſcz. qd præd' O. & A. recognouer' tenem't p̃d' cum pertiñ eſſe ius ipſius W. vt illa quæ ijdem W. & N. habent de dono predict' O. & A. Et illa remiſer' & quiete clamauer' de ipſis O. et A. & hered' ipſius A. pred' W. & N. & hered' ipſius W. imperpetuum. Et præterea idem O. & A. conceſſ. p̃ ſe & hered' ipſius A. quod ipſi warrant' præd' W. et N. & hered' ipſius W. præd' tenementa cum pertineñ contra pred' O. & A. & hered' ipſius A. imperpetuum. Et p̃ hac, &c. Warrantie.

A fine knowledged by two husbands and their wiues of two meſſuages, and two gardens, with ſeuerall warranties.

PRecipe G. F. & R. & vxori eius A. I. & K. vxori eius qd teñant G. T. conuenc' &c. de duobus meſſuag', duobus gardinis cum pertin' in K. &c. Et niſi &c. Sect. 121.

Et eſt concordia talis, ſcz. qd pred' G. & R. & A. & K. recognouer' tenemen't p̃d' cum p̃tiñ eſſe ius ipſius G. vt illa quę idem G. habet de dono præd' G. & R. & A. K. & illa remiſer' & quiete clamauer' de ipſis G. & R. & A. & K. et hered' ipſorum R. et K. pred' G. et hered' ſuis imperpetuum. Et preterea ijdem G. & R. conceſſer' p̃ ſe et her' ipſius R. Warrantie.

quod ipſi warrant̃ predict̃ G. et her̃ ſuis pred' tenta cum pertin̄ contr̃ pred̃ G. et R. et hered' ipſius R. Et vlterius ijdem A. et K. conceſſ. pro ſe et hered' ipſius K. qd ipſi warr̃ pred' G. et hered' ſuis pred' tenemtū cum pertin̄ contra predict̃ A. et K. et hered' ipſius K. imperpetuum. Et pro hac, &c.

Nota quæ *Dyer* chiefe Iuſtice dit, quæ ſi les femes fuiſſent ſoers quæ adonques il ne beloigne double garrantie in forme auandit, mes ſingle garrantie eſt aſſets bone.

A fine knowledged by the husband and his wife, to a man and his wife of one meſſuage, one garden, one orchard, one barne, one ſtable, one Wharfe, &c. with warrantie.

Sect. 122. PRæcipe R. I. et H. vxori eius quod iuſte &c. teneant A. I. & K. vxori eius conuenc' &c. de vno meſſuagio, vno gardino, vno pomario, vno horreo, vno ſtabulo, vna wharfa, et vna acr̃ boſci cum pertin̄ in K. ſuper K. Et niſi &c.

Et eſt concordia talis, ſcz. qd predict' R. et H. recogn̄ tenta, predict' cum pertineñ eſſe ius ipſius K. vt illa quæ idem A. et K. habent de dono præd' R. et H. Et illa remiſer̃ et quiete clam̄ de ipſis R. et H. et hered' ſuis pred' A. et K. et hared' ipſius K. imperpetuum. Et præterea ijdem R. et H. conceſſ. p ſe et hered' ipſius H. qd ipſi warrantizabũt pref. A. et K. et hered' ipſius K. præd' tenta cum pertin̄ contra pref. R. et H. et hered ipſius H. imperpetuum. Et pro hac &c.

Warrantie.

A fine knowledged by an Earle and his wife to W. C. of a rent of fortie pounds, going out of diuers maners with warrantie.

Sect. 123. PRecipe F. comiti H. et dominæ K. vxori eius comitiſſæ H. quod iuſte et ſine dilatione teñat W. C. ar̃ conuenc' &c. de 40. li. redd̃ exeunt̃ de manerijs de B. S. &c. Et niſi &c.

Et eſt concordia talis, ſcz. quod pred' comes et comitiſſa recognouer̃ redditum præd' cum pertin̄ eſſe ius ipſius W. vt illa quæ idem W. habet de dono pred' comitis et comitiſſæ. Et il̃ remiſer̃ et quiet̃ clamauer̃ de ſe et hered' ſuis pref. W. et hered' ſuis imperpet̃. Et preterea ijdem comes et comitiſſa concedunt pro ſe et hered' ipſius comitis qd ipſi warrant̃ reddit pred' cum pertin̄ præfat̃ H. et hered' ſuis contra omnes homines imperpetuum. Et pro hac, &c.

Warrantie.

A fine knowledged by the husband and the wife, and one R.D. to R.B. of one mannor, &c. one messuage called m. &c. with warrantie, who grant and render the same againe to R.D. one of the Conusors, for terme of 21 yeares, to begin at a time to come, reserving a rent; and afterwards the Conusees grãt the reuersion of the said maner, &c. and the reuersion to one of the Conusors and his wife, and to the heires of the husband, to hold of the chiefe Lords of the fee.

PRæcipe I.F. & B. vxori eius & R.D. ꝙ iuste, &c. ten' R.B. conuenc', &c. de mañ de C. & I. cũ pert' ac de duob' mes-suag' vocat' B. 20 messuag', 40 acr' terr', 100 acr' prati, 500 acr' pastur', 200 acr' bosci, & 40 acr' iampnor' & brueræ cũ pert' in W.F. & nisi, &c. Sect. 124

Et est concordia talis, scz. ꝙ præd' I.B. & R. recognouer' præd' manerĩ & tenementũ cum pertin' esse ius ipsius R.B. vt illa quæ idem R. habet de dono præd' I. & B. & R. & ill' remiser' & quiete clamauer' d' se & hæred' suis præd' R. & hæred' suis imperpetuũ. Et præterea ijdẽ I. & B. concesserunt ꝑ se & hæred' ipsius I. ꝙ ipsi warrantizabunt præd' R. & hæred' suis præd' manerium & tenementum cũ pertinentijs, contra omnes homines imperpetuũ. Et ꝑ hac &c. idem R. concessit præd' R. præd' manerium & tenementum cum pertin', & illa eis reddit', &c. Habend' et tenend' præd' R. a festo S. Michaelis Archangeli, ꝙ erit in anno domini 1563. vsq, ad finem termin' 21 annorum extunc ꝓxim' sequend', et plenarie complend'. Redd' inde annuatim prædict' R. et hær' suis quandam annualem reddit' 27 li. & 6 s̃ legalis monete Angliæ ad festũ S. Michaelis Archangeli, & Annunciationis beatæ Mariæ virginis, per æquales portiones, anuuatim soluend' proxima solutione inde incipiente ad festũ Sancti Mich' Archangeli, ꝙ erit in anno dom' 1563. Et si contingat præd' redd' 27 li. et 6 s̃ aretro fore in parte, vel in toto post aliquod festũ festorũ præd' quo vt prefertur solui debeat. Qd tunc bene licebit præfat' R. et hær' suis in præd' manerĩ et tenementa cũ pt' intrare et distringere, districtionesq, sic inde capt' & habit' licit, abduc', asportare, & effugare, ac pœnes se retinere quousq; de præd' red' de 27 li. 6 s̃, cũ arrer' einsdẽ si q̃ fuerint plenarie fuerit satisfact' et persolut': Concessit etiã idem R. præd' I. et B. reuersionem maneriorum & tenementorum pred', cum pertin' ac prędict' red' superi' expres. et reseruat' et ill' eis redd', &c, Habend' & tenend' eisdem I. & B. & hæredibus ipsius I. de Capitalibus dominis feodi illius per seruicia, &c.

Warrantie.

The terme and the beginning thereof.

Rent.

Clause of distresse.

The grant of the reuersion & the rent to the husbãd & the wife (being the Conusees) & to the heirs of the husbãd

A Fine knowledged by the husband and his wife to one I.L. Esquire, of 2 manors, 4 messuages, 6 cottages, one doue house, &c. with warrantie, in consideration whereof the Conusee granteth a rent of 30 li. to the husband and his wife, and to the heires of the husband, the said rent to begin to be payable at Michaelmas, and the Annunciation of our Ladie, which next shall happen after the death of the Consor and C. his now wife, or any other which afterwards shall happen to be his wife, with a clause of distresse for the said rent, if it be behind, and hauing been lawfully demanded.

&. 125. PRæcipe R.P.& I.vxor eius qd teñ I. L. conuenc' de manerijs de A.& W.cum pertiñ,ac de 4 messuag', 6 cotag' 1 columbario, 200 acr terræ, 40 acr prat, 300 acr pasturę, 20 acr bosci, 20 acr iampnor & bruer cum pert in W, et W. Et nisi,&c.

rent grãted the conus. Et est concordia talis,scz.quod pręd' R.P.& I.vxor eius recognouer manerr & tenementa præd' cum pert esse ius ipsius I. vt illa quæ idẽ I. habet de dono præd' R.P.& I.vxor eius. Et ill' remiserunt &c. Et pter &c.Et p hac &c.idem I.L.concessit præfat R.& I vxori eius & hæred' præd' I.annualẽ redd 30 li.soluend ad duos anni terminos consuet, viz. ad festũ S.Michaelis Archangeli,& annunciationis beatæ Marie virg', per æquales portiones,prima solutione inde incipiente ad festũ S. Michalis Archangeli,aut Annuntiationis beatæ Mariæ virginis q̃ p̃xim' contigerit post mort præd' L. & C.nunc vxor eius existeñ vel alicuius alterius q̃ imposterum eius vxor fore contigerit.Et si contingat præd' annualem redd 30 li.aretro fore in parte, vel in toto post aliquod festũ festorũ præd' quo vt prefertur solui debeat non solut per spaciũ, &c. si licite petatur,quod tunc,&c.

hen the rẽt all begin to payable.

clause of diesse for the t after it th bin lawlly demãded

A Fine acknowledged by the husband and the wife to H.C. of the third part of a Rent issuing out of a manor, with a warrantie against all men.

&. 126. PRæcipe R.& I.vxori eius,q̃ iuste &c.teneant H.C. conuenc' &c.de 3 parte 5 li.6 s̃ 8 d.denar redd cũ pert exeũt de mañ de K.Et nisi,&c.

Et est concordia talis,scz.q̃ præd' R.& I.recogñ tertiam partẽ redd præd' cũ pert esse ius ipsius H.vt illa q̃ idẽ H.habet de dono pręd' R.& I. Et il' remis. & quiet clam de se & hæredibus ipsius I. præfat H. & hær' suis imperpetuũ. Et præterea ijdẽ R.et I.concesser p se & hær ipsius I.q̃ ipsi war præf.H.& hæred' suis præd' tertiam partẽ redd cum pertiñ contra oẽs hoẽs imperpetuũ.Et p hac,&c.

Warrantie

A

A Fine knowledged by the husband and his wife, to one T. H. of the third part of 34. acres of meadow by these words, viz. Concesserunt et reddiderũt &c. *during the wiues life, with warrantie also during her life.*

PRæcipe H.P.& M.vxori eius quod teneant T. H. conuenc' &c. de tertia parte 34. acr̃ prat̃, 40. acr̃ pasturæ, & 6. acr̃ bosci cum pertinentijs in S. Et nisi &c. Sect. 127 A fine sur re leasde dow per le husba & le feme. The estate. The warran

Et est concordia talis, scz. quod prędicti H. & M. concesserunt & redderunt tenementa præd' cum pertiñ prefat̃ T. & hered' suis durante vita ipsius M. Et pred'. H. & M. warrantizabunt tenementa predict̃ cum pertinentijs præfat̃ T. et hered' suis durante tota vita ipsius M. Et pro hac, &c.

A Fine knowledged by V. K. knight, to I. S. knight, E. G. the Queenes Atturney Generall, and others of two manors, 70. messuages, and cottages, &c. which the Lady V. widow hath for her life of the inheritance of the Conusor the day of the concord made: and after her death is to reuert to the Conusor, the which by this fine after the death of the said Lady V. is wholly to remaine to all the Conusees in the fine, and to the heires of the said I. S. Knight the first of the Conusees in the said fine, with warrantie against all men.

PRecipe I. V. K. militi. quod teñ I. S. milit̃ E. G. Atturnat̃ nostr̃ general̃ R. W. armig. & W. K. gener̃ conuentionẽ &c. de manerijs de H. alias de Prior̃ H. & M. alias Prior̃ M, ac 70. mesuagijs & cotagijs. Sect. 128 A fine of re uersion afte the death o tenant in Dower.

Et est concordia talis, scz. quod predict' V. recogñ maneria, teñta, & reddit̃ prædict' cum pertiñ esse ius ipsius S. Et concesit pro se & hæred' suis quod maner̃ tenementa et redd̃ præd̃ cum pertiñ quę dña V. K. vidua tenet ad terminũ vitæ suæ de hereditate prędi' V. die quo hæc concordia facta fuit. Et qd post decesum eiusdem dominæ V. ad præd' V. & hered' suos, debuere reuerti, quod post decesum ipsius I. S dominæ V. integre remanere præd I. E. R. & W. et hered' ipsius I. S. imperpetuum. Et præterea idem V. conces. pro se et hered' suis quod ip̃ e warrantizabit maner̃, teñta & reddit̃, pred' cum pertiñ pref. I. E. R. & W. & hered' ipsius I. S. contra omnes homines imperpetuum. Et pro hac recognitione, &c. The widow estate in the Conusors in heritance. The reuersio granted to t said Conuse & to the hei of one of th &c.

A Fine knowledged by a widow and one other to the Preſident and ſchollers of S. Iohns Colledge in Oxon. of the Scite and principall houſe of the Colledge commonly called, the White Friers in the ſuburbs of Oxon. and 6 meſſuages, 6. gardens, 6. orchards &c. alſo in the ſame ſuburbs with warrantie.

&c. 129. fine ſur cogſans de droit

PRecipe I.P. viduæ & E.P. geñ qd iuſte &c. teneant W.E. Preſidenti collegij S. Iohannis Baptiſtę in Academia Oxoñ & Scolaſticis eiuſdem collegij conuenc' de Scitu & principali domo collegij vulgariť nuncupať **the White Friers**, in Suburbijs ciuiť Oxoñ cum pertiñ, ac de 6. meſſuagijs, 6. gardinis 6. pomarijs, 20. acr̃ terr̃, 2. acr̃ prati, et 6. acr̃ paſtur̃ cum pertiñ in Suburbijs ciuiť præd'. Et niſi &c.

Et eſt concord talis, ſc. quod præd' I. & E. recogñ teneñta prædict' cum pertinentijs eſſe ius ipſius Præſidentis & Scholaſticor̃ vt illa quæ idem Preſes & Scholaſtici habent de dono præd' I. & E. Et illa remiſer̃ & quiet̃ clam̃ de ſe & hered' ipſius E. pref. Preſidi & Scholaſticis & ſucceſſoribus ſuis imperpetuum. Et præterea ijdem I. et E. conceſſ. pro ſe et hered' ſuis, qd ipſi warran̄ pref. Præſidi & Scholaſticis et ſucceſſoribus ſuis tenementa prædict' cum pertin' contra pref. I. & E. et hered' ipſius E. imperpetuum. Et pro hac &c.

Warrantie.

A fine by two and the wife of them, of lands, meadow, and paſture, with warrantie againſt the Conuſors and the heires of the husband.

&c. 130. fine ſur cogſance de droit,

PRæcipe R.B. geñ T.R. & M. vxori eius quod teneant T. B. geñ conuenc' &c. de 30. acr̃ terr̃, 2. acr̃ prat̃, 3. acr̃ paſturæ, et 6. acr̃ boſci cum pertinentijs in C. Et niſi &c.

Et eſt concordia talis, ſcz. quod prędict' R.T. et M recogñ teñta, prędict' cum pertineñ eſſe ius ipſius T.B. vt illa quæ idem T. habet de dono pred̃ R.T. et M. Et illa remiſer̃ et quiete clam̃ de ipſis R.T. et M. & hered' ipſius R. pref. T.B. et hered ſuis Imperpetuum. Et præterea ijdē R.T. et M. conceſſ. pro ſe et hered' ipſius R. quod ipſi warrantizabunt teñta pred' cum pertin' pref. T.B. & hered' ſuis contra pred' R.T. & M et hered' ipſius R. imperpetuum. Et pro hac, &c.

A fine knowledged by T. N. Knight, to G. T. Eſquire of one maner, one meſſuage, &c. with warrantie againſt all men.

&c. 131. fine ſur cogſance de droit.

PRecipe T.N. militi, q iuſte &c. teñat G.T. ar̃ conuenc' &c. de maner̃ de T. cum ptiñ ac de 1 meſſuag', 100 acr̃ prt̃, 50 acr̃ paſtur̃, et 30 acr̃ boſci cum pertiñ in T. et G. Et niſi &c.

Et

Et eſt concordia talis, ſcz. qd præd' T. N. recogñ manerĕ et tenta cum pertiñ eſſe ius ipſius G. vt illa quę idem G. habet de dono præd' T. Et illa remiſerĕ & quietclamauerĕ de ſe & heredibus ſuis pref. G. et hered' ſuis imperpetuum. Et preterea idem T. conceſſerĕ pro ſe et hered' ſuis qd ipſi warrantĕ manerĕ et tenta pred' cum pertiñ contra omnes homines imperpetuum. Et pro hac, &c. The warrantie.

A fine knowledged by T. W. and K. his wife to G. S. of the third part of 8. meſſuages, 6. gardens &c. the which one M. B. widow holdeth for terme of her life, and which is of the inheritance of the Conuſors wife, the day of the concord made, and which ought after the death of the ſaid widow to reuert vnto the Conuſor and his wife, as in the right of his wife: and by this fine after the death of the ſaid widow being tenant for life, is to come and remaine to the ſaid Conuſee and his heires for euer, with warrantie againſt all men.

PRecipe T. W. et K vxori eius quod iuſte & ci teneant G. S. conuenc' inter eos fact. de tertia parte, 8. meſſuag, 6. gard, 6. acr terr, decem acrarum prat 20. acr paſturæ, 50. acr boſci cum pertiñ in A. B. C. &c. Sect. 133.

Et eſt concordia talis, ſc. quod præd' T. et K. recognouerunt tertiã partem predict' cum pertinen eſſe ius præd' G. et conceſſerĕ quod eadem tertia pars cum pertinentijs quam M. B. vid' tenet ad terminũ vitę ſuæ de hereditate ipſius K. die quo hæc concordia facta fuit et quæ poſt mortem eiuſdem M. ad ipſos T. et K. reuertere debet, rem præfat G. et hered' ſuis imperpetuum. Tenend' &c. Et preterea eidem T. et K. conceſſerĕ pro ſe et hered' ipſius K. quod ipſi warrĕ prefat G. et hered' ſuis tertiam partem pred' cum pertiñ ſicut predict' eſt contra omnes homines imperpetuum. Et pro hac &c. A fine of a reuerſion after the death of tenant in Dower. Warranties

A Fine knowledged by the husband and the wife, to one I. I. of 9. meſſuages, 9. gardens &c. and of the moitie of 20. meſſuages &c. one water mill, one doue houſe, &c. with warrantie againſt all men.

PRecipe I. P. generĕ & E. vxorĕ eius quod iuſte &c. teñ I. L. conuenciones inter eos fact' de nouem meſſuagijs, nouẽ gardinis, treſcentĕ acris terræ, centum acris prati, centum acris paſturæ, viginti acris boſci, centum acris iampnorum et bruerę &c. Ac de medietate viginti meſſuagiorũ, viginti gardinorum, vnius molendini aquatici, vnius columbarij, ſexaginta acris terræ, ducentĕ acris prati, trecentĕ acris paſturæ, ſexaginta acris boſci, centum acris iampnorum & bruerę, Sect. 133. A fine ſur cogniſance de droit.

cum

cum pertin in N.B.C.D.&c.Et nisi &c.

Et est concordia talis,scz.qd pred' I.P. & E. recognouer pred' tãta & medietatem cum pertin' esse ius ipsius I.L.vt il' quę idem I.L.habet de dono prædict' I.P.& E.Et il' remiser & quiet clamauer de se & heredibus suis pref.I.L.& hered' suis imperpetuum.Et preterea idem I. P.& E.concesser pro se & hered' ipsius E.quod ipsi warrant pref.I.L. & hered' suis præd' tenta & medietatem cum pertin contra omnes homines imperpetuum.Et pro hac &c.

The order of taking the knowledge of a Fine by Dedimus potestatem *directed to diuers, but the knowledge taken onely by two of the Commissioners, and the certifying thereof by the Commissioners that tooke the knowledge.*

After the fine is acknowledged, the Commissioners must write vnder the concord of the said fine as followeth.

Capt & recogn die &c.Anno &c.coram A.B. arm, & C.D. virtute bretis dom Reg. de *Dedimus potestatem* nobis & alijs direct'.

Commissioners { A.B. C.D.

Then write vpon the backe of Dedimus potestatem.

Respons. A. B. arm & C.D. gener duorum Commis. infra nominatorum.

Executio istius Commissionis patet in quadam Schedula huic commissioni annex'.

Then must the Commissioners subscribe their names.

A Fine knowledged by W.D.and I.D. to I.R.and I. D. of one messuage and one cottage in Ipswitch, with warrantie against all men: In consideration whereof the Cognisees doe grant and render the premisses to the said I.D. one of the Cognisors for terme of seuen daies next following, and afterwards the same premisses wholly to remaine to one M. G. for her life, and after her death the premises wholly to remaine to the said W. D. one of the said cognisors, and his heires for euer.

Sect.134. PRecipe W.D.& I.D.quod iuste &c.teneant I.R. gen & I. D.conuenc' de vno Messuagio & vno cotagio cum pertin in I.Et nisi &c.

Et est concord talis,scilicet quod præd W. D. & I. D. recognouer tenementa predict' cum pertinentijs esse ius ipsius I. vt illa quæ idem I. & I.

& I.D. habent de dono præd' W.D. & I.D. Et illa remiſerunt, & quiete clam de ſe & hæred' ſuis præf. I. & I. & hered' ipſius I. impertuum. Et præterea ijdem W. & I. conceſſ. pro ſe & hæred' ipſius L.D. & ipſe warrant præd' I. & I. & hær ipſius I. tenẽt præd' cum pertiñ contra omnes homines imperpetuum. Et p̃ro hac recognitione, &c. ijdem I. & I. conceſſer tenementa præd' cum pertin' præf. I.D. Et illa ei reddider in eadem Cur. Habend' & tenend' eidem I.D. pro termiñ ſeptem dier extunc proxim ſequen'. Et poſt termin' illum finit prædict' tenementa cum pertin' integre remanebunt cuidam M. G. Habend' & tenend' eidem M. tenend' de Capitalibus, &c. tota vita ipſius M. Et poſt deceſsum ipſius M. prædict' tenementa cum pertiñ integre remanere præfat W.D. & hæred' ſuis imperpetuum. Tenend de Capitalibus, &c.

Warrantie.

The render.

A Fine acknowledged by the husband and his wife to H. S. Eſquire, of two meſſuages, 2 Wich-houſes, 2 Shoppes, 2 Chambers, one Stable, and ten acres of Land, &c. With Warrantie against all men.

Sect. 135.

A fine ſur cog de droit.

HÆc eſt finalis concordia fact' in Curia domini regis apud Ceſtriam die Lunæ ſeptimo die, &c. Anno, &c. inter H.S. quærentem & W.G. & S. vxorem eius deforceañ de duobus meſſuagijs, duobus Sallmis vocat Wich-houſes, alias Salthouſes, duobus Shopis, duobus cameris, vno ſtabulo, decem acris terræ, 4 acris prati, & ſex acris paſturæ cum pertineñ in, &c. vnde placitum conuencionis ſumm fuit inter eos in eadem Curia. Scilicet q̃ prædict' W. & E. vxor eius recognouerunt tenementa prædict' cum pertinentijs eſſe ius prędict H. S. vt illa quæ ijdem H.S. habet de dono prædict' W. & E. Et il remiſ. & quiete clamauerunt de ſe & hæredibus ſuis præf. H. et hæredib' ſuis imperpetuum. Et præterea præfat W. & E. conceſſer p̃ ſe & hær ipſius W. quod ipſi & hæred' prædict' W. tenemeñt, prædict' cum pertiñ pref. H. & hæred' ſuis warrantizabunt & hær ſuis imperpetuum. Et p̃ hac, &c.

A Fine acknowledged before the Iuſtices of the Common pleas at Weſtminſter of 2 meſſuages, one toft, 80 acres of Land, &c. With Warranty against all men.

Sect. 136.

HEc eſt finalis concordia fact' in Curia domini regis apud Weſtmonaſteriũ in octabis ſancti Martini, Anno. &c. coram E.M. W.S. H.B. & I.H. Iuſtic' & alijs dñi reg. fidelib' tunc ibi præſentibus int R.B. armig', I.L. geñ, & R.L. geñ. Quer, et H.D. deforc' de duobus meſſu-

messuagijs, vno tofto, 80 acris terræ, 10 acris prati, 40 acris pasturę, & trib⁹ acris bosci cũ pertinentijs in H. & W. vnde placitũ conuentionis summ̃ fuit inter eos in eadem curia. Scilicet q̃ prædict' H. recogn' prędict tenementa cum pertinentijs esse ius ipsius R.B. vt illa q̃ ijdẽ R.I. & R. habent de dono præd' H. & ill' remiser & quiet clamauerunt de se & hæredibus suis præd' R.I. & R. & hær ipsius R. imperpetuũ. Et præterea idẽ H. cõcessit pro se & hær suis q̃ ipse warr̃ I. & R. & hær ipsi⁹ R. præd' tenem̃, cũ pert contra oẽs hoẽs imperpetuũ. Et p̃ hac remissione, quiet clam̃, war̃, fine & concordia ijdẽ R.I. & R. dederũt præd' H. 38 ll. sterling'.

Warrantie.

A Fine acknowledged by R.H. of P. to R.B. of the manor of I. with warrantie against the Conusor and his heires.

Sect. 18.

PRecipe R.H. de P. arm̃ q̃ iuste teneat R.B. R.H. &c. conuenc' inter eos fact' de manerio de I. alias I. cum pert ac de 20 mes. 500 acr̃ ter̃, 100 acr̃ prat̃, 500 acr̃ past', 100 acris bosci, 100 acr̃ more, & marisci cũ pertinentijs in I. alias I.W. & N. Et nisi, &c.

Warrantie.

Et est concordia talis, scz. q̃ præd' R. H. recogn̄ maneria ac tenem' præd' cũ pertin' esse ius præd' R.B. vt illa q̃ idẽ R. &c. habent de dono ipsius R.H. Et ill' remis. & quiet clam̃ de ipso R. & hæredibus suis prefat̃ R. &c. & hæred' ipsius R.B. imperpetuũ. Et preterea ijdẽ R.H. cõcessit pro se & hæred' suis q̃ ipse warrantizabit maneria & tenementa præd' cũ pertin̄ præfat̃ R. &c. & hær ipsius R. imperpetuum. Et pro hac, &c.

This is the Fine as it is ingrossed of Record, whereof the Fine next before is but the Note.

Sect. 139.

HEc est finalis concordia fact' in curia domin̄ regis Cestriæ apud Cestr̃ die Lunæ, &c. viz. 4 die Septembris Anno &c. coram I.T. arm̃, Iustic' dicti domini regis Cestriæ apud Cestriam & alijs dicti dñi regis fidelibus tunc ibidem presentibus. Inter R.B. R.H. & H.H. Quer̃, & R.H. de P. arm̃ deforceañ de manerio de I. cum pertin' ac de, &c. vnde placitum conuentionis summonitum fuit inter eos in eadem curia, scilicet, quod R.H. recognouerit maner̃ tenementa præd' cum pertin̄ esse ius prædict̃ R.B. vt illa quæ ijdem R.R. & H. habent de dono ipsius R.H. Et illa remiserunt & quiete clamauerunt de ipso R. & hær̃ suis pref. R. &c. & hæred' ipsius R.B. Et preterea ijdem R.H. concef. p̃ se & hæred' suis quod ipse Warrant̃ manerium & tenementa prædict̃ cum pertin̄ præf. R.B. & H. & hered' ipsius R.B. imperpetuum. Et

pro

pro hac recognitione, warranto, fine, et concordia ijdem R. &c. dederunt pref. R. H. 100. l. Argenti.

The nine Proclamations of the fine nert before made according to the statute of 2. Ed. 6. made for fines with Proclamations within the Countie Palantine of Chester.

Primo Proclamac' facť fuit die Mercurij ista eadem Sessione, Secunda Proclam facta fuit die Iouis ista eadē Sessione, Tertia Proclam facť fuit in plena Sessione hic apud &c. tenť die &c. Anno &c. Et sic de cęteris, &c.

Three Proclamations in euery Sessions.

A fine knowledged by A. B. to T. F. and G. H. of a Manor with warrantie against all men: and the Conusees in the same fine grant and render againe the said Manor to the said A. B. for one weeke, and afterward to N. M. for 21. yeares to begin after the feast of S. Martin the Bishop, in Winter, reseruing a red Rose at Midsomer, if it be asked. And after the end of the said terme of 21. yeares the said Manor &c. wholly to remaine to the said A. B. the conusors, and his heires for euer.

PRecipe A. B. qd iuste &c. teneat T. F. et G. H. conuenc' de manerio &c. Et nisi &c. Sect. 139.

Et est concordia talis, scz. qd prædť A. recognouit tenemtum prædť cum pertiñ esse ius ipsius T. vt illa quæ ijdem T. et G. habent de dono predicť A. Et illa remisseť & quiete clamaueť de se et hered' suis pref. G. et heť suis imperpetť. Et præterea idem A. concess. pro se et hered' suis quod ipse warrantť tenementa prędť cum pertiñ præf. T. et G. et hæredť ipsius T. contra omnes homines imperpetuum. Et p hac &c. ijdem T. et G. concesseť et in eadem curia reddidť tenta prędť cum pertiñ pref. A. p vna Septimana. Et post termiñ illum finitť tenta cum pertiñ integr remanť N. M. et assignatť suis pro termino 21. annoť pro festum Sancti Martini Episcopi in hyeme proximť futurť immediatť sequentť & plenarie complendť. Reddendť inde annuatim pref. T. & G. et heredť ipsius T. durante toto termiñ prędť vnam rubram rosam ad festum Natiuitatis S. Ioh. Baptť, si petatur. Et postť termiñ illud finitť tenta prædť cū pertiñ integr remiñ prędť A. et heredť suis imperpetuum, &c.

The warrantie.

The render.

Rent.

Remainder in fee to the conusor.

A fine knowledged by R. B. of two messuages, &c. to I. A. with warrantie against all men: and the Conusee granteth the premisses againe to the Conusor for one weeke, and afterwards to one W. B. for life, reserning a rent, and afterwards to the Conusor for his life, and after to S. B. his wife for her life, and after to I. B. sonne of the Conusor and his wife for life: and afterwards the

the said Conusee granteth the reuersion of the premisses, and the rent to the said R.B. the conusor and his heires for euer.

Sect. 140.

PRæcipe R.B. gen̄ quod iuste &c. teneat I.A. conuenc' &c. de duobus messuagijs, &c. Et nisi &c.

Et est concordia talis, scz. qd p̄d R. recognouit tenta præd. cū pertin̄ esse ius ipsius I.A. vt illā quæ idem I. habet de dono predict' R.B. Et illa remisit & quiet clam̄, de se et hered' suis præfat' I. et hered' suis imperpetuum. Et preterea idem R.B. concessit p̄ se & hered' suis qd ipse warr tenta præd' cum pertin̄ pref. I.A. & hered' suis contr̄ omnes homines imperpet. Et pro hac recognitione &c. idem I. concessit pref. R.B. &c. et illa ei reddid̄ in eadem curia. Habend̄ & tenend̄ tenta præd cum pertin̄ pref. A.R.B. p̄ termino vnius Septimanæ. Et post termin' illum finit remanr̄ W.B. pro termino vitæ ipsius W.B. Reddend̄ inde per annū p̄f. I.A. & hered' suis 40. s. ad quatuor Anni terminos, viz. ad &c. per æquales porciones soluēd. Et post decessum ipsius R.B. rem̄ inde S.B. vxor præd' R. pro termin̄ vitæ ipsius S. Reddend̄ vt supra. Et post decessum ipsius B.S. rem̄ inde I.B. filio p̄d R. p̄ term̄ vitæ suæ reddend̄ inde vt supra. Necnon pref. I.A. concess. p̄f. R.B. reuersionem & reddit̄ tenem̄torū præd cum pertin̄, & illa ei reddidit in eadem curia. Habend̄ et tenend̄ reuersionem & reddit̄ tenta pred' cum p̄tin̄ eidem R.S. et hered' suis imp̄pet. Tenend̄ de Capitali dñis feodi, &c.

Warrantie.

The render.

Rent.

The grant of the reuersion and the rent.

A Fine of rent issuing out of 6. messuages, and 6. gardens with warrantie against all men.

Sect. 141.

PRecipe W.A. & A. vxori eius qd iuste &c. ten̄ R.B. conuenc' de vno annuali redd̄ de 5. s. exeunt̄ de & in sex messuagijs, 6. gardinis cum pertin' in L. Et nisi &c.

Et est concordia talis, scz. quod p̄d R. recognouit manerr̄ pred' cum pertin̄ esse ius ipsius H. vt illa quæ idem H. habet de dono pred' R. Et illa remisit & quiete clam̄ de se & hered' suis imperpetuum. Et præd R. concessi p̄ se & hered' ipsius W. qd ipsi warrant reddit pred' cum p̄tin̄ pref. R.B. et hered' suis imperpetuum contr̄ omnes homines. Et p̄ hac, &c.

A fine knowledged by R.L. of a Manor, &c. to H.G. with warrantie against all men: In consideration whereof the conusee by the same fine granteth to the conusor and his heires, one annuitie of 8. li. issuing out of the same manor, to be paid yearly at the mansion house of the said Conusor, at a certaine day and houre, imposing a paine of 18. s. to be forfeited in default of payment of the said annuitie with a clause of distresse for the said annuitie and paine.

Precipe

PRecipe R. L. qd iuſte &c. teñ. H, C. conuenc' &c. de manerĩ &c. in O. &c. Et niſi &c. Sect. 142.

Et eſt concordia talis, ſcz. qd præd' R. recogñ manerium et teñtum præd' cum pertiñ eſse ius ipſius H. vt illa quę idem H. habet de dono prædict' R. Et ill' remiſ. et quiet' clam de ſe et hæredibus ſuis imperpetuum. Et preterea R. conceſ. pro ſe et hered' ſuis qd ipſe warrant' manerĩ predict' cum pertin' præfat' H. et hered' ſuis contra omnes homines imperpetuum. Et pro hac &c. præd' H. conceſſit pred' R. quandã annuitatem ſiue annualem reddit' 8. l. legalis monetæ Angliæ exeuñ & exetur' de et in manerĩ predict' cum pertin', et ill' eis reddit' in eadem curia: Habend' et precipiend' præd' annuitatẽ ſiue annual' reddit' 8. l. pred' R. hæred' et aſſignat' ſuis in 8. die Septembris inter horam nouam et duodecim̃ ante merid' eiuſdem diei apud domum ſuam manſionẽ in villa de R. in com' S. ſoluend'. Et ſi contingat præd' annuitat' ſiue annual' redd' 8. l. aretro fore in parte vel in toto p ſpac' xx. dierum poſt præd' 8. die Sept' in quo vt prefertur ſolui debeat non ſolut'. Qd tunc pd' H. et hered' ſui forisfac' eidem R. et hered' ſuis 18. s. legalis monete Angl' nomine pene toties quoties præd' annuitat' ſiue annual' reddit' aut aliquam inde partem aretro fore contigerit. Et bene licebit prefat' R. & hered' ſuis in præd' manerĩ cum pertin' et in quamlibet inde parcellam intrare et diſtringere, tam pro predict' annuali redd' 8. l. et pro qualibet inde parcella quam p predict' 18. s. nomine pene eid' R. et hæred' ſuis forisfac' toties quoties ſic aretro fore contigerit non ſolut', diſtrictioneſq; ſic ibid' capt' et habit' liceat abducere, aſportare, et effugare, et penes ſe retinere quouſq; de præd' annuitate ſiue annuali reddit' 8. l. quam de pred' 18. s. nomine pene quoties ſic forisfac' fuerit idem R. et hæred' ſuis fuerint ſatisfact' et perſolut'.

Warrantie.

The grant of an Annuitie.

The day houre and place of paiment of the ſaid annuitie.

Clauſe of diſtreſſe for the annuitie and the penaltie.

A fine knowledged by A. B. Eſq. of 2. meſſuages, &c. to S. H. in taile generall, to hold of the Conuſor and his heires by the xl. part of a knight fee, and 15. s. 4. d. rent, with warrantie againſt all men.

PRecipe A. A. arm quod iuſte &c. teneant S. H. conuenc' de duobus meſsuagijs &c. cum pertiñ in M. Et niſi &c. Sect. 143.

Et eſt concordia talis, ſcz. quod præd' A. B. conceſſit teñta præd' cum pertiñ prefat' S. & hered' de corpore ipſius S. legitime procreat'. Tenend' de dño A. et hered' ſuis per quadrageſſimam partẽ vni' feod' milit' & per reddit' 15. s. 4. d. per annũ ad feſtum &c. annuatim ſoluẽd'. Et preterea predict' A. conceſſit pro ſe et hered' ſuis quod ipſe warrant' teñta præd' cum pertiñ pref. S. & hered' de corpore ſuo legitime procreat' ſicut predict' eſt contr' oẽs homines imperpet'. Et pro hac, &c.

An eſtate in generall taile.

The tenure rent;

Warrantie of the eſtate taile.

A Fine knowledged by A.B. and N. his wife of a manor, &c. to S.P. reciting that where the said Conusors hold the said manor for the life of the said M the reuersion thereof to the said Conusee and his heires belonging, the said Conusors grant to the Conusee all that their estate in the said manor during the life of M. one of the Conusors, with warrantie against them during the life of the said M.

Sect. 144.

PRecipe A.B. & M. vxori eius quod iuste &c. teneant S.P. conuenc' &c. de manēr &c. Et nisi &c.

Et est concordia talis, scz. qd cum prædē A. & M. habeant & tenant pro termiñ vitæ ipsius M. manēr prædē &c. cum pertiñ reuersioñ inde prædē S.P. & hered' suis spectañ, ijdem A. & M. conces. prædē S. manēr prædē cum pertiñ, & totum & quicquid in manēr prędē &c. habent eidē S. durante vita ipsius M. Et prædē A. & M. warrantē prædē S. manerium &c. cum pertiñ sicut prædē est contra predē A. & M. durante tota vita ipsius M. Et pro hac &c.

A Fine knowledged by I.C. and T. his wife of 2. messuages, 1. barne &c. to one H.P. with warrantie: and the said H.P. in consideration of the said fine granteth and rendreth againe by the same fine, the premisses to the Conusors for one day, and afterward to I. P. widow for her life, and after her death the premisses wholly to remaine to H.P. and his heires for euer.

Sect. 145.

PRecipe I.C. & T. vxori eiuś qd iuste &c. teñ H. conuenc' &c. de 2. messuagijs, vno horreo, &c. Et nisi &c.

Et est concordia talis, scz. qd prædē I. & T. recognouerē tenementē pdē cum pertiñ esse ius ipsius H. vt illa quæ idem H. habet de dono prædē I. & T. & illī remiserē & quiete clamauerē de se & hered' suis prędē H. & hered' suis imperpetuum. Et preterea prædē I. & T. concesserunt pro se & hered' ipsius I. qd ipsi warrantizabunt tenementē prædē cum pertiñ pref. H. & hered' suis contra omnes homines imperpetuum. Et p hac recognitioñ &c. predē H. concessit tenementa predē cum pertiñ, pref. I. & T. & illa eis reddiē in eadem curia: Habendē & tenendē eisdem I. & T. pro termino vnius diei. Ita qd post eundem terminum finiē, tenementa predict' cum pertiñ integre remanerē I.P. vidē pro termino vitē eiusdem I. Et post mortem predict' I. messuag' & horreum prædē &c. integre remanerē H.P. & hered' suis imperpetē. Tenendē de Capitalibus dominis feodi illius &c. Et quinq; acrīs terrę & vnam acrē prati cum pertineñ resid' tenementē prædē integre remanerē A.P. & hered' suis imperpetuum. Tenendē, &c.

Warrantie.

The render.

The taking of the knowledge of the fine.

CApt' & recognit' coram Iacobo Dier mil' capitali Iustic' de communi banco, Anno regni Reg. nunc secundo.

Notes to be obserued in fines.

1 Nota que aſcun ſoits pluſors choſes paſſa en le Precipe que ne ſõt noſme en le conceyd.

2 Nota que vn cauſe de Reentrie ne poit eſtre en vn fine.

3 Nota que ſi home purchaſe diuers parcels de terre de diuers hões il purroit paſſer touts les parcels en vn common fine, mes couient que il auer ſeuerall garranties de cheſcũ de les parties pur lour ſeueral parcels.

4 Nota que Catlyn chiefe Iuſtice del banke le roy dit que ſouth noſme de bois, baut bois & Dubbois paſſera en vn fine.

5 Nota que per Dyer vn Render ne poit eſtre fait mes tantum a luy que eſt noſme en le fine: mes vn remainder poet eſtre limitted a vn per fine, coment que il ne ſoit noſme in le Precipe.

A fine knowledged by the husband and wife vnto two of xxx meſſuages, of lands, paſture, wood, linge, heath, and rent in diuers places; the Cogniſees render the ſame againe to the ſaid Conuſors for terme of their two liues, with diuers remainders ouer after their deaths in generall taile to the children of the ſaid Conuſors, And for default of iſſue of the ſaid conuſors to the right heires of the wife of the conuſor for euer.

HEc eſt finalis concordia facta in curia dom' Regis apud Weſt. in craſtino Aſcenſionis dñi, an' regni Henrici octaui Dei gratia Angliæ & Franciæ regis, fidei defenſoris, & dñi Hiberñ a conqueſtu decim' nono coram R.B.A.F.T.E.& W.S.Iuſtic'. Et poſtea in octabis S. Trin' Anno regni eiuſdem regis Henric' ſupradicti ibidem conceſſ. & recordat' coram eiſdem Iuſtic' & alijs domin' regis fidel' tunc ibi præſentibus. Inter W.H.& I.R.quer' & I.C.& T. vxor eius deforc' de triginta meſſuagijs, ducentis acris terræ, treſcentis acris paſtur', dec' acris boſci, ducentis acris iampnorum & brueræ, & trigint' ſolid' reddit' cum pertinentijs in P.F.&c. vnde placitum conuentionis ſum' fuit inter eos in eadem curia, ſcilicet q̃ prædicti I.C.& T. recogn̄ ꝑd teñ' cum ptiñ eſſe ius ipſius I.R. vt illa quæ ijdem I.& W. habent de dono predictor' I.C.& T. Et illa remiſerunt & quiete clamauerunt de ipſis I.C.& T. & hered' ipſius T. predictis W. & I.R. imperpetuum. Et preterea ijdem I.C.& T. conceſſerunt pro ſe & hered' ipſius T. quod ipſi warrant' predictis W.& I.R. & hered' ipſius I. R. prædict' tenement' cum pertinentijs contra omnes homines imperpetuum. Et pro hac recognitione, remiſſione, quieta clam, warrant', fine & concordia ijdem W. & I.R.

Sect. 146.

Warrantie generall.

The Render.

I.R. conceſſer̃ predictis I.C. & T. prædicta tenementa cum pertinentijs. Et illa ei reddiderunt in eadem curia: Habend' & tenend' eiſdē I.C. & T. de capitalibus dominis feod' illius per ſeruitia quæ ad predicta tenement̃ pertinent tota vita ipſor̃ I.C. & T. & alterius eorum diutius viuentis. Et poſt deceſſum ipſor̃ I.C. & T. pred' tenement̃ cum p̃tin' integre remañ I.C. filio pred I.C. & T. & hered̃ de corpore ſuo legitime procreat̃, tenend̃ de capitalibus dominis feod̃ illius per ſeruic' q̃ ad pred' tenement̃ pertin̄ imperpetuum. Et ſi contingat q̃ idem I.C. filius obierit ſine hered' de corpore ſuo legitime ꝓcreat̃, tunc poſt deceſſum ipſius I. pred' tenta cum pertinen' integre reman' R.C. alteri filio pred̃ I.C. patris & T. & hæred̃ de corpore ſuo legitim̃ procreat̃, tenend̃ de capitalibus dominis feod̃ illius per ſeruitia q̃ ad pred̃ tenem' p̃tin̄ imperpetuum. Et ſi contingat idem R. obire ſine hered̃ de corpore ſuo legitime procreat̃ tunc poſt deceſſum ipſius R. pred' tenementa cū pertin' integre remanere hæred' de corporibus p̃d̃ I.C. patris & T. legitim̃ procreat̃. Tenend̃ de capitalibus dominis feod̃ illius per ſeruitia quæ ad predict' ten̄t pertinent imperpetuum. Et ſi nullus hæres de corpor̃ prædictorum I.C. patris, & T. fuerit legitime procreat̃ tunc præd' tenement̃ cum pertinen' integre reman' rectis hæredibus p̃d̃ T. Tenend' de capitalibus dom̃ feod' illius per ſeruitia q̃ ad prædict' tenement̃ p̃tin' imperpetuum. *

Adiuncts of Concords.

The Adiuncts of a concord, be alſo of two ſorts, Internall and Externall. Internall be ſuch as be contained within the verie Concord it ſelfe. Of which ſort be the clauſe of reſeruation of ſeruice, rent, or other thing, the clauſe of nomine pœnæ, the clauſe of diſtres, and the clauſe of warranties: All which clauſes of reſeruation, nomine pœnæ, diſtreſſe, and warrantie, are to be made in ſuch wordes, and in ſuch formes, as the like are made in Inſtruments extraiudiciall: for which ſée Leaſes and grants of Rents charge in the firſt part of the Symboleography, if the following example doth not ſufficiently ſatiſfie your deſire herein.

Sect. 147.

Reſeruation.

Nomine pœnæ

Diſtreſſe.

And Warranties bee ſometimes generall, that is to ſay againſt all men: Some againſt all, except certaine perſons: ſome againſt certain perſons onely: ſome againſt euery Conuſor, and his heires ſeuerally: and ſome againſt one of the Conuſors and his heires onely: ſome of all the lands in fine: ſome of all, except part: and ſome of part onely, certainly expreſſed.

Warrantie.

The Externall Adiuncts of Concords bee the Licence of alienation, the Dedimus poteſtatem, the examination of the parties, and the log-

cognisance. The licence of alienation is a power or authoritie giuen by his Maiestie to the parties, that lands may be alienated without incurring the danger of contempt. Licence. Alienation.

And euery such licence is either to alien lands holden in Capite, or to alien lands into Mortmaine.

The licence of alienation of lands holden in Capite, may vary from the fine, and be good, 32. H. 8. Br. Alienations 4. 30.

For the obtaining of which licence, the Clerke of the Licences doth vse to draw a docket in paper, conteining the effect of the fine, feoffement, or other deeds, whereby the alienation is to be made. Docket.

And thereupon Affidauit or composition must be made for the value of the lands, which are to passe thereby, which is to be signed by the Doctor of the Chancerie that hath power to take oath: Then the kings fine is to be payed to the Receiuor of fines who will signe the docket: And afterwards the same is to be signed by two of the Commissioners of the office of fines and licences: and vpon that docket, the Clerke of the Licences is to make the Licence, and get it sealed with the great seale: which licence is to be made in forme following. Affidauit.

A licence of Alienation of Lands holden in Capite.

IAcobus Dei gratia &c. Omnibus, ad quos præsentes literæ peruenerint, salutem. Sciatis quod nos de gratia nostra speciali, ac pro tribus libr̃ nobis solut̃ in Hanaperio nostro, concessimus, ac licentiam dedimus, ac per presentes concedimus, ac licentiam damus pro nobis & heredib⁹ nr̃is quantum in nobis est, dilecto nr̃o I.F. quod ipse totam medietat̃ manerij de C. cum pertin̄, ac quadraginta messuag', viginť cotag', quadraginť gardin̄, quinquaginť acras terræ, quadraginť acr̃ prati, trescenť acr̃ pastur̃, 30. acr̃ bosci, trescenť acr̃ morę, & viginti libr̃ reddit̃, cum pertin̄ in W. & alibi in Com̃ nostro N. eidem medietat̃ pertinenť sine spectanť, parcell̃ inde reputat̃ aut accept̃ existen̄, q̄ de nobis tenentur in Capite, dare possit & concedere, alienare, vendere, barganisare, feoffare, warrantizare, aut cognoscere per finem in Curia nr̃a coram Iusticiarijs nostris de Communi banco, aut aliter, seu aliquo quocunque modo dilecto nobis E.R. Habend̄ & tenend̄ eidem E. heredibus & assignatis suis, de nobis et hæredibus nostris, p̄ seruic' inde debita & de iure consueta imperpet̃: Et eidem E. q̄ ipse dictam medietat̃ manerij prædicti, ac cæterorum p̄missorum cum pertin̄ à præfato I. recipere possit, & tenere sibi, her̃ & assignatis suis, de nobis & heredibus nostris, per seruitia prædict' imperpetuum, sicut prędictum est, tenore præsentium similiter licentiá dedimus, ac damus specialem: Nolentes quod prędict' I. aut heredes sui, vel p̄dict' E. hæred̄ vel assignati Sect. 148.

ſui p̄d', ratione p̄miſſorum, p̄ nos hæredes vel ſucceſſores noſtros, Iuſticiar', Eſchaetor', Vicecom' Balliuos, aut alios officiarios ſeu miniſtros noſtros, heredum vel ſucceſſor' noſtr' quoſcunque inde occaſionentur, moleſtentur, perturbentur, vexentur, in aliquo, ſeu grauentur, aut eorū aliquis occaſionetur, moleſtetur, perturbetur, vexetur in aliquo, ſeu grauetur. In cuius rei teſtimonium has literas noſtras fieri fecimus patentes. Teſte meipſo apud Weſtm' vltim̄ die, &c.

A licence to alien in Mortmaine.

Sect. 149. IAcobus Dei gratia, &c. Omnibus &c. Sciatis quod nos de gratia noſtra ſpeciali, ac p̄ 40. ſolid' nobis ſolut' in hanaperio noſtro, conceſſimus, ac licentiam dedimus, ac licentiam damus, p̄ nobis & hered' noſtris, quantum in nobis eſt, R. S. q̄ ipſe aduocationem de L. Abbati & Conuentui de L. in Comit' E. dare poſſit & concedere: Tenendum ſibi & ſucceſſoribus ſuis de dict' domino Rege & heredibus ſuis, in liberam, puram, & perpetuam Eleemoſynam im p̄petuū. Ac eiſdem Abbati & Conuentui, q̄ ipſi Aduocationē illam à p̄fato R. S. recipere, & Eccleſiam illam appropriare, & eam ſic appropriatam in proprios vſus tenere poſſint ſibi & ſucceſſoribus, de ipſo Rege & heredibus ſuis, in liberam, puram & perpetuam Eleemoſynam imperpetuum: Nolentes, &c. *vt ſupra.*

Quod permittant finem leuari.

Sect. 150. **AND after that ſuch licence is had, the vſe was (which is not now in vſe) to haue a writ, mentioning the licence and the effect of the fine, directed to the Iuſtices of the common place, commanding them, q̄ p̄mittant finem illum leuari, Regiſtr' fo. 176. a. 1. E. 3. ca. 12. 34. E. 3. ca. 15. 33. H. 6. fol. 2. The forme of which ſucceedeth:**

Rex, Iuſticiarijs ſuis de Banco, ſalutem: Cum p̄ literas noſtras patentes, de gratia noſtra ſpeciali, conceſſerim' I. S. q̄ ipſe de maner' ſuis de F. & W. cum pertin', quæ de nobis tenentur in Capite, feoffare poſsit K. &c. (recitando totam cartam) p̄ut in literis noſtris p̄d' plenius cōtinetur, ac breue noſtrū de conuentione pendeat coram vobis in bāco p̄dicto, inter p̄d' I. et K. de maner' p̄dict', ad finem inde inter eos ſecund' legem & conſuetudinem regni nr̄i Angliæ leuand', vt accepimus: Vobis mandamus, quod finem illum inter partes p̄d' de maner' p̄dict', coram vobis in eodem banco leuari p̄mittatis, iuxta tenorem literarū noſtrarum predictarum. Teſte &c.

But before 20. H. 3. the Kings tenant in Capite might haue alienes his frée lands without licence, 14. H. 4. 3. 20. Aſs. Plac. 17. as it ſeemeth.

The writ of Ad quod damnum.

But before the granting of any such licence, either to alien lands holden in chiefe, or to alien lands in Mortmaine, or release right in Mortmaine, or exchange, the antient vse was to haue a writ of Ad quod damnum, containing the substance of the kings licence out of the chancerie, directed to the Escheator in the countie wherein the lands lie, to be alienes, to enquire and certifie into the Chancerie what damnage or preiudice the alienation thereof will be to the King, or the other chiefe Lord of whom they are holden. And of what tenure and value the lands be. And whether there remaine sufficient free land besides those to the alienor, to sustain publique charges, and to be in Assises and Iuries, &c. Sect. 151.

And this is as well where the alienation is made by the King, or by a Corporation, or a fame couert, as by any other.

The like inquirie by writ of Ad quod damnum, hath been vsed before the King made any grant or pardon, for alienation, leafe, releafe, confirmation, or licence, and after the Inquisition returned and certified into the Chancerie, to effect the same accordingly, F. N. B. fol. 122. & inde vsque fol. 127.

But now experience is to the contrarie, in liew whereof the vse at this day is, to put in the Kings patents these words: Ac quibusdam aliis de Ad quod damnum, seu aliquibus alijs breuibus, seu mandatis superinde habendis, fiendis, aut prosequendis.

And one writ of Ad quod damnum will serue for diuers purchases, And a licence to alien in Mortmaine of one King, will serue in the time of another.

But not for lands holden in chiefe, 21. E. 3. F. N. B. in breui de Ad q. damnum.

I purposely quit here the formes of such writs de Ad q. damnum, because they be so growne out of vse.

Of a Pardon for alienation.

But if perchance any alienation of land holden in Capite, be made without licence, a pardon must be sued, the fine of which is the value of lands by one yeare, and the meane profits betweene the Inquisition and the pardon, 31. H. 8. Br. Alienation 29. vnlesse the Commissioners will more fauourably compound for the same, as in sundrie cases vpon reasonable cause shewed they vse to doe; which pardon being purchased, the purchaser is to hold the lands fully, 1. E. 3. 2. 3. 4. Br. Prerogatiue 22. Sect. 152.

A Fine of pardon, ont ypaued

But the fine of a licence to alien lands holden in Capite, is the third part of the yeately value thereof, 26 H. 8. Br. Alienation 29. Fine of alicence. 3 le de Value

But if alienation of lands into mortmaine be made without licence, Mortmain.

the King may seise them as forfeited or escheated, Mag. Chart. cap. 36. West. 2. c. 32. And for a licence thereof to be granted, the fine therupon to be paid is the value of the land by three yeares, 26. H. 8. Br. Alienation 29.

Variance. But variance betweene the licence and the fine is not materiall, if it be all one alienation, 32. H. 8. Br. Alien' 30.

Release. And it seemeth that a fine sur releas or other releas, is none alienation, and therefore no fine due for the same, P. 37. H. 8. Br. Alienatio 31.

Recoueries. But fines are payable, and licences to be sued vpon common Recoueries, 39 H. 6. 32. H. 8. c. 1. 4. E. 3.

Will. Deuise by will is an alienation, 3. Ma. 1. Br. Alien 37.

Of the Dedimus Potestatem to take cognisance of a fine.

Sect. 153. A Dedimus potestatem to take knowledge of a fine, is, as afore said, a writ Commissionall directed to one, or moe, giuing them power to take and certifie to the Iustices of the common Place, the cognisance of the cognisees, when they cannot conueniently trauell to doe it in Court, and it ought to recite the substance of the writ of Couenaunt, and beare Teste or date after it, F. N. f. 146. g.

The forme of the writ of Couenant and Dedimus potestatem, with the returnes thereof ensue:

The Writ of Couenant, Iacobus dei gratia, Angliæ, Scotiæ, Franciæ, & Hiberñ Rex, fidei defens. &c. Vicecom Eborñ Salutem; Præcipe T. B. armigerñ, & A. vxori eius quod iuste & sine dilatione teneant V. P. generñ, conuentionem inter eos factam de manerio de T. cum pertinentijs; Ac de duobus messuagijs, cotagijs, quinque toftis, vno columbarñ, quinque gardinis, quinque pomarijs, centum & decẽ acris terrñ, quinquaginta acris prati, quinquaginta acris pasturæ, decem acris bosci, tent acris iampnorum & bruer, quadraginta solidat reddit, & communia pastur pro omnim animalibus, cum pertinen in W. B. Et nisi fecerint, & predictus W. fecerit te securum de clamore suo prosequend', nunc summ per bonos summonit predictis T. & A. q sint coram Iust. nris apud West. in Octab S. Michael, ostensuri quare non fecerint, & habeas ibi sum & hoc bre T. &c. xiij die N. an reg. nri &c.

Fine. And the fine thereof is entred vnder the writ thus:

Pro viginti solid solut firmar fin dñi regis virtute war regij.

Indorsment. Then must the writ of Couenant be indorsed thus:

Per E. S. pro fine infrascr, q affid' quod tenement infr non exec' val libr x. per annum. E. S.

The Sheriffes Returne.

Pledg' de prof. Iohannes Doo:
Richardus Roo.

Summ Iohannes Den.
Richardus Fen.
W.L.T.W.

The Commiss. of Fines. R. Eure armig' Vic'

The Dedimus potestatem thereof.

Iacobus Dei gratia, Angliæ, Scotiæ, Franciæ, et Hiberniæ Rex, fidei defensor, &c. Charissimo consanguin nostro Gilberto Comiti Salop', ac prædilecto ac fideli nostro I. D. militi domino D. Necnon dilect' & fidelibus suis G.S. militi, & C.C. militi, Ac dilecto nobis W. West. armig', Salutem: Cum breue nostr̃ de conuentione pendeat coram Iustic' nr̃is de banco, inter W.P. gen̄, & T. B. armig', & Annam vxorem eius de manio de T. cum ptin̄: Ac de duobus messuag', tribus cotag', quinq; tofts, vno columbar̄, quinq; gardin̄, quinq; pom̄, centū & decem acr̄ træ, quinquaginta acr̄ prati, quinquaginta acr̄ pastur̄, decē acr̄ bosci, centū acr̄ iampnorum & brueræ, quadragint̄ solid̄ reddit̄, & cōmunia pastur̄ proomnimodis animalibus cum ptin̄ in W. & B. in Com Ebor', ad finem inde inter eos coram Iustic' nostris p̄dict' in banco p̄d̄, secundum legem & consuetudin̄ regni nostri Angl' leuand': Ac præfati T. & A. adeo impotentes sui existunt, q̄ absq; maximo corporū suorum periculo vsq; Westm̄ ad diem in dicto breui contentum, ad cognitiones, quæ in hac parte requiruntur, faciend̄, laborare non sufficiunt vt accepim̄. Nos statui eorundem T. & A. compatientes in hac parte, dedim̄ vobis, quatuor, tribus vel duobus vestrum, potestatem recipiend̄ cognitiones quas idem T. & A. coram vobis, quatuor, tribus, vel duobus vestrum facere voluerint de præmissis. Et ideo vobis, quatuor, tribus, vel duobus vestrum, mandamus quod ad præfat̄ T. & A. personaliter accedentes, cognitiones suas p̄dictas recipiatis, & cum eas receperitis, præfat̄ Iustic' nostros inde sub sigillis vestris, quatuor, trium, vel duorum vestrū, distinctè & apertè reddatis certiores, vt tunc finis ille inter partes prædictas de premissis corā Iustic' nostris prædictis in banco prædicto leuari possit, secundum legem & consuetudinem supradict̄, mittentes eisdem Iustic' hoc breue, teste meipsa apud Westm̄ 2. die N. Anno regni nostri secundo.

Garth.

The name of the Curitor.

The late Dedimus potestatem must be endorsed thus: Per dominū Custod' magni sigilli Angl' ad instanc' peren̄:

The Lord Keepers name. The Iustices of the Court.

Io. Puckering Cancell'. Fr. Beaumont.

Executio istius breuis patet in quad' schedula eid' annexa.

The Precipe and Concord which must be filed to the Dedimus potestatem.

Ebor. ss. PRecipe T. de P. armiger', & A. vxori eius, quod iuste, &c. teneant W. P. gen', conuencionem, &c. de manio de T. cū ptiñ: Ac de duobus messuag', tribus cotag', quinque tofts, vno columbar', quinq; gardiñ, quinq; pomar', centū et decē acr' trae, quinquaginta acr' prati, quinquaginta acr' pastur', decem acr' bosci, centum acr' iampnorum & bruer', quadraginta solidat' reddit', & communia pastur' & omnimodis animalibus cum ptiñ in W. & B. Et nisi, &c.

Et est concordia talis, scilicet, quod predict' T. & A. recognouer' predict' manerium, columbare, tenementa, redditum, & communiam pasturae cum pertinentijs esse ius ipsius W. vt illa quę idem W. habet de dono pred' T. & A. Et illa remiser' & quiete clamauerunt de ipsis T. & A. et hered' ipsius T. pred' W. et hered' suis imperpetuum. Et praeterea iidem T. et A. concesserunt pro se et hered' ipsius T. quod ipsi warrant pred' W. et hered' suis predict' manerum, columbar', tenement', reddit' & communiam pasturę cum pertinentijs, contra se & hered' & assignō ipsius T. ac contra hered' & assignō I. B. armig', ac contra omnes homines clamant' seu habent' aliquod ius titulum, statum, vsum, interesse, aut de manō, de aut, in eisdem maner', columbar', tenement', reddit', & communia pastur' cum ptiñ, aut de, aut in, aliqua inde parcel' p, de, vel sub eisdem T. & I. hered' vel assignō suis, vel hered' seu assignō eorum alterius: Et prohat, &c.

Capt' et cognit' apud K. in Com' Ebor', decimo nono die Ianuarij, Anno reg. Iacob, &c. secundo coram

The Commissioners names. G. Shrew. W. West. T. B. A. B.

The names of the parties.

Dedimus potestatem super breue de consuetudinibus & seruitijs pro fine inde leuand'.

Rex, &c. dilecto & fideli suo R. H. vni Iustic' suorum de Banco, Salutem: Cum breue nostrum de consuetudinibus & seruitijs, pendeat coram vobis, et socijs vestris Iustic' nostris de banco, inter W. S. armigerum, & E. A. armigerum de consuetudinibus et seruitijs, q' idē E. eidem

eidem W. facere debet, de libero tenemento suo, quod de eo tenet in N. vt in homagijs, fidelitate, releuijs, et alijs, in Comit S. Nosq; ad petitionem predict' W. & E. licentiam nostram eis dederimus inde concordand, ac prefat W. et E. adeo impotentes sui existant, q; absq; maximo corporum suorum periculo, vsq; West monast', ad diem in dicto breui nostro content, ad cognitiones, que in hac parte requirunt, faciendas laborare non sufficient, vt accepimus, nos statui eorundem W. & E. compatientes in hac parte, dedimus vobis potestate recipiendi cognitiones quas ijdem W. & E. coram vobis facere voluerint de pmissis: Et ideo vobis mandam', qd ad pred' W. & E. personaliter accedentes, cognitiones suas pd recipiatis: Et cum eas receperitis, prefatos socios vestros inde distincte & aperte reddatis certior, vt tunc finis ille int' partes pred' de premissis, coram vobis et socijs vestris pred in banco pred', secundum legem & consuetudinem reg. nostri Angl leuari possit. Et habeas ibi tunc hoc breue T. &c.

Of the Kings siluer.

The Kings siluer is the fine which is paid vnto his Maiestie for his highnesse licence of Concord, which vpon hearing of Counsaile, is tarred after the rate following: That is to say, for euery of the pounds

Li.	s.	d.		Li.	s.	d.
3.	6.	8.		0.	6.	8.
5.	6.	8.		0.	10.	0.
7.	13.	4.		0.	13.	4.
8.	13.	4.		0.	16.	8.
11.	0.	0.		1.	0.	0.
12.	0.	0.		1.	3.	4.
14.	6.	8.		1.	6.	8.
15.	6.	8.		1.	10.	0.
17.	13.	4.		1.	13.	4.
18.	13.	4.		1.	16.	8.
20.	0.	0.		2.	0.	0.
22.	0.	0.		2.	3.	4.
24.	6.	8.		2.	6.	8.

value of ... is paid ...

Sect. 154.

Euery 5. markes and 20. shillings, payeth fine — 6. s. 8. d. From 5. markes and 20. s. vnto 5. markes, and 40. s. payeth — 10. s. And aboue 5. marks & 40. s. vnto 10. marks and 20. s. payeth — 13. s. 4. d. And in like proportion for all other fines.

And

And it is commonly entred by the Clerke of the Kings siluer, in this forme.

Ebor. ff. I.W. dat Reg. x.s. p licentia concordandi cum E.W. armiger & Iuxor eius, de placito conuentionis, de vno messuag', decē acr' terr', decem acr' prati, & decem acr' pasturæ, cum ptin in D, reciting the substance of the writ. Et habent Cirographum per pacem admiss. coram R.W. vno Iustic' dni Reg. de banco, Iusticiar in patria.

Obseruations necessarie at the knowledge of Fines.

WHen a fine is to be knowledged, it is meet, that before the parties come before the Iudges or Commissioners, the tituling of the writ of Couenant, and Conord, be faire written, according to the parties minds, and duly examined, and also signed, or subscribed by all the Cognizors.

It is also requisite that either of the Cognizors be knowne to the Iustices or Commissioners, that must take the Cognisance thereof, or that some other credible person, knowne to him which taketh the cognisance, who knoweth the partie, be present: And doe sufficiently enforme the Iudge, that they be the selfe same parties, against whom the writ is brought: for some wil couenously knowledge fines in the name of others that be owners of the land, 34. H. 6. fol. 19.

And if a Feme couert be Cognisor, she must be perswaded to yeeld her consent, and be fully agreed with, before she be examined, for in all cases, where a feme couert is to depart with any thing by fine, shee must bee examined by the Iustices or Commissioners that take the cognisance, and confesse that she doth make cognisance freely, and not through feare or compulsion of any, before the cognisance will bee accepted. But where she is to take benefit by a fine, she shall neuer be examined, 42. Ed. 3. 7. 3. H. 6. 42. 46. Ed. 3. 15 8. H. 6. 2. 4 Ed. 3. 62. Statut de finibus 18. Ed. 2.

Also the yeerely value of lands should be set downe vnder the Conord, and some honest person which knoweth the land, brought thither to make oath for the value thereof: For without such oath, or composition the fine cannot passe.

And composition with the Commissioners will not readily be made without oath, or some late fine, licence, or other matter of record, to informe the Commissioners of the value thereof. Which being done, the writ of couenant is againe there to be entred, & the fine thereof (if it be liueable) must there be paid to the receiuer, and the writ must be signed by the said Commissioners, and that done, the said writ must be sealed,

ntrie of the ings siluer.

eft. 155. he tyling f the note.

nowledge of e Cognisors.

xamination f Wiues.

Value.

Oath.

Composition.

led, and returned with the Concord and Dedimus potestatem, if ỹ cognisance was taken by Dedimus potestatem, and then the said writers must be taken out and signed by the Custos breuium, and thence they must be caried to the Clerke of the Kings fiuer, who must take a note thereof for the entry of the K. fiuer, and signe the same again, and then must they be deliuered to the Chirographer of fines, to be ingrossed and proclaimed. The examples whereof appeare in their apt places.

How and when cognisances of fines must be certified, and what may hinder the same.

If they which haue taken Cognisance of a fine will not certifie the same in conuenient time, a Cerciorē is to be awarded vnto them, comprehending the matter of the Dedim' potestat', and commanding them to certifie, &c. which if they doe not, there lieth against the Commissioners an Alias, Pluries, and Attachment, &c. Fitz.N.B.147.b. Sect.156. Certificate.

But they are not bound to certifie such Recognisances, but within the yeare after such caption thereof, but if they doe, it is good enough, 23.El.c.3. And with euery such certificat they must certifie the day and yeare wherein the same was knowledged, Thus, capt apud R. in Com Eborē 20 die Octob. Anno reg' 14. Regis, &c. Time.

Else no Clerke or Officer may receiue the same, but shall forfeit for euery writ otherwise receiued x.li. 23.El.c.3. If any of the parties to a fine die after recognisance thereof, and before it be certified, it ought not to be certified, 1.H.7.9.33.H.6.f.52, Dyer f.146 pl.68.7.El. Forfeiture.

But if such cognisance of a fine be certified, and the Kings fiuer entred, the fine is good, and may afterwards be ingrossed, though it bee in another Terme; Thus, K. fiuer.

Hæc est finalis concord' fact' &c. in craſt' Pur' beatæ Marię, & postea concess. & record' in quind' Paschæ, Dyer f.220.pl.15, & f.254.pl.104

If the Iustice or Commissioner that hath taken the knowledge of a fine, die before it be certified, their Executors or Administrators may certifie the note of the fine to the Iustices of the Common place, by writ of Certiorē out of the Chancerie to them directed, 8.H.4.5.12.H.7.9. Fit. N.B.f.147.b. The forme of which Certiorari is such, Iustice or cōmissiō dieth.

Rex dilectæ sibi B.W. vid' execut' testamenti T.W. nuper vnius Iustic' nrorum de Banco salut', volentes certis causis certiorā super quasdā cognitiones cuiusdā finis int' T.D. & I G. de vno mess. cum pert' in T. in com E. per pred' nuper Iustic' capt, ac in custodia tua ratione execuc' testam' pred' existen vt dicit, tibi percipimus q; cognition' pred' Iustic' nris apud West. sub sigillo tuo distincte & aperte sine dilatione mittas, & hoc bre, vt ijdē Iustic' vlterius ad finem illum leuād fieri fac' quod Certiorari exec' Iustic' sup cognitiōe finis.

quod de iure,& secũdum legem & consuetud' regni nri Angliæ fuit faciend',T.&c.

Iustice discharged.

In like manner,if a Iustice hauing taken cognisance of a fine,be discharged of his office before he hath certified the same,he may not certifie it without a like writ,notwithstanding that he bee restored to his place againe,8.H.4.5.1.H.7.9.

And thereupon it hath been vsed,that a writ hath been directed to the said Iustices to receiue the same cognisance,but I see no vse thereof at this day,F.N.B.147.E.

The Kings death.

But if the King die after the cognisance taken,and before the certifying thereof,the Iustices cannot then certifie, Nam per mortem seu dimissionẽ regis,cessat potestas Iudicis,2.H.7.9.yet leatne, for I thinke the statute of 1.Ed.6.c.7. doth remedie this mischiefe:for the wordes thereof be these in effect,viz.

By the death and demise of any King,no Action,Will,or plaint, that shal depend betweene partie and partie in any court of record,shalbe discontinued or put without day. But if the King die after the Kings fiuer is entred,and before the fine be ingrossed,the writ of couenant may be resummoned,and the fine ingrossed,1.H.7.9.

Feme.

If a feme sole by Dedimus potestatem,knowledge a fine, and before the returne thereof marrie,this fine may be certified and ingrossed, as of a feme sole,because the taking of her husband after the fine knowledged is her owne voluntarie act,and such fine shall bar her and her heires for euer,Dyer f.246.pl.68.Mich 7,& 8.El.

Signed.

Euerie writ of Dedimus potestatem (to speciall commissioners, for the taking of the cognisans of fines)ought to be signed by the L.Chancellor,or L.Keeper,or chiefe Iustice of the common place, or the Iustice of the circuit where the land lieth.

Of the inrolment of writs of Couenant, Dedimus potestatem, *and knowledges therevpon,which is termed the foot of the fine.*

Sect.157.

Inrolement.

Custos brium fee.

Imbesselling.

Proclamatiõs.

The foot of the Fine.

BEfore the ingrossing of the fine by the Chirographer, the writ of Couenant,the writ of Dedimus potestatem,with the knowledges and notes of the same,must be inrolled in a roll to be of record for euer, to remaine in the safe custodie of the chiefe Clerke of the common place, (which is Custos breuium)and his successors,who must haue xrij d. for entring of the Record,to the intent that if the notes of the fines in the custodie of the Chirographer be imbesselled, execution may bee had vpon the said roll,5.H.4.ca.14. Vpon this roll the Proclamations are endorsed,and these notes are termed the foot of the fine,Dyer f.321.p. 19.20.El.

Of

Of the note of the fine.

The note of the fine, is a note thereof made by the Chirographer before it be ingrossed, which beginneth thus: Sect. 158. The note of the fine.

Ebor. ſs. Inter A B. quer̃, & C.D. deforc' de duobus meſſuagijs, duobus cotagijs, centũ acr̃ terræ, quadraginta acr̃ prati, vigintiacr̃ paſturæ, vna acr̃ boſci, octo acr̃ iampnor & brueræ, & vno denario reddit cũ pertin in A. vnde placit conuenc' ſumm̃ fuit inter eos, &c. ſcz. quod p̃d C. recogñ tenta & redd̃ p̃d cum pertin eſſe ius ipſius A. & conceſſ. p̃ ſe & hered̃ ſuis, q̃ p̃d tenta & redd̃ cum pertin, quæ p̃d G. & I. tenet ad termiñ vitę ipſius I. de hered' pred' C. die quo hæc concordia facta fuit, & quæ poſt deceſſum ipſius I. ad p̃d C. & hęredes ſuos debuerunt reuerti, poſt deceſſum ipſius I. integre remañ pred' A. & hered̃ ſuis tenend̃ de capitalibus dominis feodi illius, per ſeruitia, quæ ad prædict̃ tenta & reddit pertinent imperpetuum: Et p̃ hac recogñ, conceſſione, fine, & concordia, idem A. dedit p̃d B. 100. marcas ſterl. Upon which note, before the ingroſſing of the fine (if it be of a remainder, reuerſion, rent, or ſeignorie) writs of Quid iuris clamat, per quæ ſeruitia, or, quem redditum reddit, muſt be ſued as the caſe requireth, Plo. fol. 43. b 22. H. 6. 13.

Quid iuris clamat.

Quid iuris clamat is a iudiciall writ, and iſſueth out of the Record of the fine, remaining in the keeping of the Cuſtos brevium of the Common place, Plo. 43. b. before it be ingroſſed, for after ingroſſing, it cannot be had, Plo. fol. 431. b. 22. H. 6, 13. F. Nat. br 147. a. which lieth for the grauntée of a reuerſion or remainder, when the particular tenant will not atturne to enforce him to atturne, 22. H. 6. 13. Plo. 431. b. And it is made in this forme. Sect. 159.

Rex vicecom̃ ſalutem. Pr̃ tibi quod venire facias coram Iuſtic' nr̃is &c. tali die G. & A. vxorem eius, ad cognoſcendum quid iuris clamant in vno meſſuag', & decem bouatis terrę cum pertin in B. quæ tenta cũ p̃tin M. quę fuit vxor G. in Cur̃ noſtra &c. conceſſit A. de B. per finem ibi inde inter eos factum. Et habeas, &c. Summons.

And the final cauſe of this writ of Quid iuris clamat, is, that ỹ grantée or cogniſée of the reuerſion or remainder, may by that atturnment of the particular tenant, be enabled (if cauſe be giuen) to bring an action of waſt, or, to auow for rent reſerued, or ſeruices behind, which he cannot do without atturnment, Plo. fol. 431. b. 22. H. 6. 13.

Tenant in dower ſhall atturne though the writ ſuppoſe her to be tenant for life, becauſe ſhe claimeth no greater eſtate than franktenemẽt, Hil. 31. E. 3. Fitz. Quid iuris clam 3. yet it ſeemeth ſhe therby loſeth her warrantie, and aduantage to be newly endowed, if ſhe be euicted, 10. E. 3. Tenant in dower.

E.3. Fitz. Quid iuris clamat, &c. 41.

Briefe. If a gift be for life, the remainder for life, the writ muſt mention the remainder, Hill 3. E. 3. 15. Fitz. Fines 9.

It is meet therefore to learne who are compellable hereby to atturn, and who not, and by whom.

What perſons may obtaine atturnment by Quid iuris clamat, *and what not.*

Sect. 160. The grantee of a reuerſion void of impediments, 34. H. 6. b. Fi. na. br. fol. 168. b. Fitz. nat. br. 147. a.

Grauntee de reuerſion.

Infant. But an Infant cannot, becauſe if a leaſe for life without impeachment of waſt be pleaded in barre, he cannot confeſſe it, 43. E. 3. 5. contr 23. E. 3. Fitz. Quid iuris, &c. 42.

Nothing in the reuerſion. If the cogniſor haue nothing in the reuerſion, the tenant ſhall not atturne, Lib. Int fol. 536.

Feme couert. A feme couert without her husband, albeit the fine was leuied when ſhe was ſole, 11. H. 4. 7.

Diuers. If there be diuers pleas, and one diſhanging the plea, yet ſhall the tenant atturne to the reſt, 48. E. 3. 32.

Diuers. Or if diuers ſue the writ, and one be nonſuit, yet atturnment ſhal be vnto the other without ſummons & ſeuering of the other, 46. Ed. 3. 32.

Abbot. Abbot aucra atturnment dun ten pur vie ſans mere licence, & neſt forfeiture, 17. E. 3. 7.

Diſſeiſor. If cogniſee diſſeiſe the tenant of part, he ſhall haue no atturnment, 19. E. 2. Fitz. Quid iuris &c. 46.

What perſons be compellable to atturne by Quid iuris clamat, *and what not.*

Sect. 161. The writ of Quid iuris clamat lieth againſt the particular tenant of the land for life, 34. H. 6. b. Nat. br. fol. 168. b. Fitz. nat. fol. 147. a. 49. h. though he be but a tenant for life of land holden in Capite, or a feme couert, 45. E. 3. 11.

T. for life

Feme couert

T. for yeares. And a tenant for yeares ſhall atturne, 3. H. 4. 3.

T. in taile. But tenant in taile is not compellable, becauſe of the eſtate of inheritance which is in him, 38. E. 3. 20. Nor tenant in taile, after poſſibilitie of iſſue extinct, for the inheritance which was once in him, 43. E. 3. 1. 46. E. 3. 13. & 27.

T. in taile after poſſ.

T. for life of lands in capite A particular tenant of lands holden in Capite, is not compellable to atturne without ſight of licence of alienation, leſt his lands ſhould bee ſubiect to a fine for the alienation without licence, 45. E. 3. 6.

Executors. If A. and B. haue an eſtate for ten yeares, as executors, and B. haue

fiue

fiue yeares in reuersion in his owne right, he must atturne, because he is possessed of the whole terme, and the attornment of one executour of a terme is good enough, 32 E. 3. Fitz. Quid iur̃ 5. p Stanh.

But if A. lease to B. and C. for vj yeres, and after confirme the estate of B. for life, the note of the fine shall make mention of B. only, p Setõ, 32 E. 3. Fitz. Quid iur̃ 5. T. purvie ou A. Pur ans.

If tenant in Dower, or by curtesie, grant their estate, yet the Quid iur̃ clam̃ lieth against them, for none but they can be tenant in dower, or by the curtesie, 18 E. 3. 5. T. Dower. T. Courtesie

If a lease for yeares with liuerie be vpon condition, that if the Lessée pay x li. such a day, or the lessor die within the terme, &c. he shal haue fee: If before the day the lessor alien by fine, this tenant shall atturne (Saluis aduantagijs) And yet if he pay the ten pound at the day, or the lessor die during the terme, the lessée shall haue fee, 6 R. 2. Fitz. Quid iuris clamat 20. T: for yeares vpõ conditio

If a Quid iur̃ clamab be against two as tenants in cõmon, he which appeareth must atturne, if he plead not that they are toyntenants, 16. E. 3. Fitz Quid iur̃ 21. Vers T in cõ men.

If a particular tenant grant ouer his estate after the note leuied, yet must he atturne, 17 E. 3. Fitz. Quid iur̃. 11. After assignement.

If the tenant atturne once vpon the grant of the cognisor, he shal atturne no more. 4 E. 2. Fitz, Quid iur̃ 45. Once attorne.

If a toynt tenant, or tenant in common of a reuersion, grant his part by fine, the particular tenant shall not be compelled to atturne, 5 E. 3. Fitz Quid iur̃ 40. Ioint Tenant. Tenant in cõmon.

Upon a lease for life vpon condition, that if the lessée die within xx. yeares, that his executors, administrators, or assignes shall hold vnto the end of xx yeares, the lessée shall atturne as tenant for life, with protestation to saue his interest, 16 E. 3. 20. E. 3. F. quid iur̃ 22. 31. Tenant for life vpõ condition

If the reuersion of two toyntenants for life be granted by fine, supposing the one to be sole tenant, the tenãt is not compellable to atturn, 32 E. 3. F. quid iur̃. 5. p Seton. Ioint tenant of a reuersion.

But tenant by statute or Elegit semeth not compellable to atturn, because the cognisor cannot compell him to account, and hee may hold the lands after his summe satisfied, vntill he haue leuied his damages, 6 E. 3. 53. F. Fines 99. E. 3. F. qu. iur̃. 47. T. by Eligit.

Nor a tenãt for life, where the husband sole is cognizor of his wiues land: for if he doe atturne, the wife surviuing her husband may enter for forfeiture, 27 E. 3. Baron sole cognisor.

And a Clerks which hath no lay fee is not compelled to atturne, 38. E. 3. 28. A Clarke.

Nor tenant for life in reuersion or remainder, 34 H. 6. b.

Nor Reuersion.

Frankmariage. Nor tenant in frankmariage. Lib. intr̃ Quid iuris clamat 11.

Infant. Nor an Infant, 42.E.3.1.

Ideot. Nor a Lunatike, madman, or Ideot, as it seemeth, because of their disabilities.

But attournement made by such persons, as are able, but not compellable to atturne, is good 12.E.4.Nat. br. fol 170.b.

With exceptiõ. And an attournement may be with an exception, if the tenant haue a lease for life without impeachment of waste, as he may attourne sauing his auantage, and if shall be so entred, 45.E.3.11.24.E.3.

Couenants. Annuitie. Warrantie. Acquitall. If the tenant haue couenants to repaire &c. 48.E.3.32. Or haue an Annuitie out of the land, 48.E.3.32. Or couenant of warrantie or acquitaile, 42.E.3.48. Or to sell trees, he may attourne, sauing these auantages.

Graunt. Remainder in fee. If A. seised of lands in fee, thereof infeoffe B. to the vse of the sayde A. for life, and after to the vse of his executors and assignes for xx yeres after his death: And then to vse of C. in fee. Quære if A. shal be compelled to attorn in Quid iur̃ clamat, supposing him tenant for life onely, and not mentioning the terme, without sauing of his terme by protestation, Dyer f.309.pl.77.14.El.

No view lieth in a Quid iuris clamat, 15.E.4.28.

What places will barre the plaintife of attournement.

Sect. 762. Seisin in fee. If the tenant plead that hee is seised in fee the day of the note leuied without that, that he was then seised for life, without shewing how he is so seised, 15.E.4.28.1.H.7.27.

The conusor had nothing. Or if the tenant for life plead, that before the fine an estranger was seised in fee, and released vnto him in fee. Without that, that the recognisor had any thing in the lands the day of the note leuied, 3.H.4.3.

Nontenure. If a particular tenant plead, he holdeth not of the cognisor the day of the note leuied, he must shew what estate he claimeth, and from whom, 3.E.3.6.Fitz.Quid iuris clamat 6.14.E.3.Fitz.Quid iur̃ 9.

Seisin in fee. Seisie. de tali stat. qual' &c. But if he claim fee he shal not shew how, 14 E.3.3.Fit. Fines 7. but trauerse that he holdeth for life, 1 H.7.27.

For parcell. Lesse for eight yeares, vpon condition, that if the lessor alien within the terme, he shal haue fee, cannot alledge that, and say that he claimeth estate according to the tenor of his deed, but must plead his estate certainely. 2 E.2.Fit. Quid iur̃ 38.

If the tenant confesse for part, and plead a plea which may forfeite his estate therin, he must attorne by and by, 11 H.4.57. Cont 22 E.3.18.Fit.Fines 33.

Releas. Release of the cognisor before the cognisance, to the heire, or his ancestors in fee, is a good bar, 44 E.3.34.

If

Affiette pur ans claime pur dis, & fuite de rec, il forfeit ſon terme, 6. R. 2. Fitz. Quid iur 20. Plefingtons cafe. Forfeiture pur t. pur ant.

What proceſſe lie in a Quid iuris clamat.

The proceſſe in a Quid iuris clamat, is ſummons and diſtreſſe infinite, Nat. br. 169. a. but if the tenant appeare, and plead no good barre, and yet will not atturn, he ſhall be impriſoned, 37. H. 6. 14. Sect. 163. Proceſſe. Correction.

But if the tenant diſclaime, and it be found againſt him, he ſhall atturne, 4. E. 3. 27. Diſclaimer.

But if the tenant for life, yeares, in dower, by curteſie, or extent, by plea claime fee, or fee tayle, and it be found otherwiſe, he doth forfeit his eſtate. 1 5. E. 4. 28. Natur. br. fol. 168. b.

And the tenant may atturne by Dedimus poteſtatem, the forme whereof enſueth, Regiſt. 167. b. Att. by De. Po

Rex dilecto & fideli ſuo I. M. militi, &c. Cum breue noſtrũ de conuencione pendeat coram vobis et ſocijs veſtris Iuſticiar noſtris de banco, inter R. & P. de centum acr, &c. quas I. tenet ad vitam ſuam de prefato P. ad finem inde inter præfatos R. & P. ſecundum legem & cõſuetudin regni noſtri Angl leuand, per qd, vicecomiti noſtro Norff. p breue noſtrum mandauimus, q venire faciat coram prefat Iuſticiarijs noſtris ꝑdictum I. ad diem in breui illo contentum, ad cognoſcendũ quid iur clamat habere in terra prædicta, ac præf. I. adeo impotens ſui exiſt' q vſque bancum predict, ad diem ſibi datum abſque maximo corporis ſui periculo laborare non ſufficit, ad cognoſcend quid iuris clamat habere in terra pred: Nos ſtatui ipſius I. compatientes in hac parte dedimus vobis poteſtatem recipiendi cognitionem, & teſtificandi atturnamentum q pref. I. coram vobis facere voluerit in hac parte: Et ideo vobis mandamus, q ad ꝑf. I. perſonaliter accedentes, cognitionem quam coram vobis in hac parte facere voluerit, recipiatis: Et cum eã receperitis, et ipſe coram vobis, put moris eſt, ſe atturnauerit, pred ſocios veſtros de cognitione pred diſtincte & aperte certificetis, pred atturnamentum teſtificantes, vt finis ille inter partes ꝑd de terra ꝑd corã vobis & ſocijs veſtris predict in banco predicto leuari poſſit, ſecundum legem & conſuetudinem ſupradictas. Et habeatis, &c.

By default appearance Diſtring ad atturnand ſhall bee awarded, 2. E. 3. 9. Default.

Nonſuit in quid iuris clam, is not peremptory: 18. E. 3. 6. Fitz. Quid iur 27. 14. E. 3. Fitz. quid, &c. 19. Nonſuit.

The writ of Summons in Quid iuris clamat, is after this manner.

IAcobus dei gratia, &c. vic Ebor ſalutem: Pr tion, quod venire fac coram Iuſtic noſtris de banc. a die Paſche in xv. dies, A. B. ad cognoſcend Sect. 164. Summons.

noscend quid iur clam in vno messuagio, et decem acr terr, cum pertin in B. quæ M.N. in cur nostra, &c. concessit C.D. per finem ibi inde inter eos factum, et habeas ibi. T. &c. Upon which writ none essoine lyeth, 9.H.6.22.33.H.6.5.

At the return of which writ, the Sheriffe doth returne him summoned, thus endorced upon the backe of the writ.

Pleg. infra nominat A.B. { J.M. / R.L.

E.R. vic'.

And if the pl. appeare, and the tenant make default, the entry is thus:

Default.

Pr fuit vic' Eb' quod venire fac' hic à die Pasch. in xv. dies, A.B. ad cogn quid iur clam in vno messuagio &c. cum pertin in B. quæ M.N. in cur Reg. hic concessit C.D. per finem hic inde inter eos factum: Et modo ad hunc diem ven pred C. per H.I. act suum, & pred A.B. non ven & manucapt fuit per I.M. & R.L.

Distresse.

Ideo ipse in omnia &c. Et pr est q distr eum per omnes terr & catall sua &c. Et q de exitibus &c. Et q habeat corpus eius hic à die S. trin in 3. sept, ad cogn in form pred' &c. Et idem dies datur pred' C. hic &c.

Essoine.

At the returne hereof none Essoine lyeth, because it is Judiciall, 9.H.6.22.33.H.6.5.

The distresse in Quid iuris clamat.

Iacobus dei gratia, &c. vic' Eborr salutem: Pr tibi, qd distr A.B. per omnes terr & catalla sua in balliua tua. Ita quod nec ipse, nec aliquis p ipsum, eis manum apponat, donec aliud à nobis inde habueris pceptum & qd de exitibus corun nobis respondeas, ita quod habeas corpus eius cor Iustic' nostris apud West, a die sanc' Trinit in tres sept, ad cognoscend quid iuris clamat in vno messuagio, &c. cum pertin in B. quæ M.N. in cur nra coram Iustic' nris apud W. concessit, C.D. p finem inde ibid inter eos factum, & ad audiend inde iudicium suum pro pluribus defaltis. Et habeas ibi hoc breue. Teste, &c.

If at the day of the returne hereof the parties appeare, the entry is thus:

Alias, aut pater termino S. Trinitatis vltimo prterito, Rot 60. cotinetur sic, ss. Pr fuit vic' E. quod distr A.B. per omnes &c. *vt supra*, in breui inde, vntill (& ad audiendum &c.) And then, Et modo hic ad hunc diem ven tam pred C.D. p attorn suu præd', quam pred' A.B. in propria persona sua, & super hoc idem E.B. petit audit breuis pred, & ei legitur, petit etiam auditum notæ vnde breue præd emanauit, & ei legitur in hæc verba. E. ss. inter C.D. querent. &c. as the note is: And then if the tenant will attorne generally, the entry further is: Quia audita & intellecta, idem A.B. dicit, quod ipse clamat tenere prædict

Attornment generall.

messua-

meſſuagium, &c. ad terminum vitæ ſuę, prout per notam prædict' ſupponitur, quodq; ipſe paratus eſt ſe præfat C.D. inde atturnare, & ſe ei in Curia hic inde attornauit, & recogn &c. Et fecit fidelitatem: ideo finis inde ingroſſetur.

If the atturnment be made out of the Court, the cognisee may informe the Court thereof, and at his suit then this entrie shall be, videlicet.

Et modo hic ad hunc diem ven predictus C.D. in propria perſona ſua, & dicit quod prędictus A.B. atturnauit ei inde in propria perſona, & petit quod finis inde ſuo periculo ingroſſetur, ideo finis periculo ſuo ingroſſetur, &c.

But if the cognisee appeare, and will atturne specially, it may be done in this manner, viz. Prec' fuit, &c. vt supra, Reciting the Processe, and the tenant demanding and hauing Oyer of the Writ, and note of the Fine, he may plead thus, viz. Atturnment speciall.

Et ſupra hoc, idem A. dicit, quod ipſe tenet tenementa prædict' cum pertinentijs ad terminum vitæ ſuę, ex dimiſſione M.N. per quandam chartam ſuam indentatam, Cuius alteram partē ſigillis prædict' M.N. ſignat' idem A. hic in Curia profert, cuius tenor ſequitur in hæc verba. **This Indenture made, &c. rehearsing the whole Indenture,** & ſalvis ſibi omnibus aduantagijs & conditionibus ſcript' prædict', dic', quod ipſe paratus eſt præfat' C.D. de tenementis prædictis, virtute notæ prædict' atturnare. Et prædict' C.D. non cogn ſcript' prędict' dic', quod ex quo idem A.B. tenet tenementa prædict' cum pertinentijs, ex dimiſſione prædict' M.N. ſecundum vim & affectum notæ prædict', petit quod idem A.B. ſe inde ei atturnet, &c. Et prædictus A.B. dic' quod ſalvis ſibi omnibus aduantagijs & beneficio ſcripti prædicti, paratus eſt ſe inde eidem C.D. de tenementis prædictis atturnare, &c. Et poſtmodo idem A.B. ſalvis ſibi aduantagijs ſcripti prædicti, ſe præf' C.D. hic in Curia atturn, & cogn, &c. Et fecit ei fidelitatem, &c. Ideo finis inde ingroſſ. &c.

But if the tenant will plead in Barre, he may do it thus, if he be tenant in frankmariage, Prfuit, &c. vt supra. Barre.

Et prædictus A.C. dicit, q̄ quidam P.N. pater pd M.N. cuius hæres ipſe eſt, &c. per chartam ſuam dedit tenem pd eū pertin eidem A.B. in libero maritagio cum E. filia ſua, ſaluand ſibi reuerſionem, &c. qui quidem E. obijt ſine exit de corpore ſuo procreat, Et ſic dicit q̄ ipſe tenet tenementa pd per formā chartę pd. Et q̄ tenet inde poſt mortem ſuā ſpectat ad pd R.M. & petit iudicium ſi ipſe de tali ſtatu ſuo ſe alicui inde atturnare debet, &c. & profert hic in curiam chartā pd, quod dictum pd in forma pd teſtatur, &c. Et pd C.D. dicit, qd die, quo nota finis prædict' fuit, &c. dic, &c. pred A. tenet pred tenta ad terminum vitæ ſuæ, vel Done in frankmariage

prout per notam ꝑd̄ ſupponitur, abſq; hoc quod ipſe tunc tenuit tenementa ꝑd̄ in liberum maritagium, ꝓut ipſe ſuperius allegauit. Et hoc petit quod, &c. Ideo 1. 2. &c.

Of thus, if the tenant claime fee, or be not tenant.

Quib' lectis, idem A. B. dic', quod ipſe, virtute notæ ꝑd̄, ſe ꝑf. C. D. atturnare non debet, quia quod vnum meſſ. &c. quæ ſunt in ꝑd̄ villa de S. de tenemtis ꝑd̄ in nota ꝑd̄ contentis, idem A. B. dicit, ꝙ ipſe, tẽpore leuationis notæ illius, fuit ſeiſitus de predicto meſſuagio, &c. in dominico ſuo vt de feodo, ex dono & feoffamẽto cuiuſd̄ L. T. ſibi inde facto: Abſq; hoc, quod ipſe tempore leuationis notæ illius, tenuit medietatẽ illam ad terminum vitæ tantum, ꝓut per notam illam ſupponitur. Et hoc, &c. vnde petit iudicium, ſi ipſe, virtute notæ ꝑd̄ ſe prefatũ C. D. de pred' meſſuag', &c. atturnare debet, &c. Et quoad tenemta ꝑd̄, reſidua tenementorũ in nota predict̄ contentorum, idem A. B. dicit, ꝙ ipſe, nec tempore leuationis notæ predict̄, nec vnquam poſtea tenuit eadem tenementa, imo quod W. A. qui adhuc in vita exiſtit, adtunc fuit inde tenens, vt de libero tenemẽto ſuo, & adhuc exiſtit. Et hoc, &c. vnde, &c. *vt ſupra.*

Et predictus C. D. dicit, quod ipſe ab Attorñ pred' A. B. virtute notæ prædict̄ habend' præcludendi non debet, quia quoad pred' meſſuag' in L. pred' idem C. D. dicit, qd predictus A. B. tempore leuationis notę illius, tenuit meſſuag' illud cum pertiñ ad terminum vitæ ſuę tantum, ꝓut ꝑ notam illam ſupponitur. Et hoc petit ꝙ &c. Et pred' A. B. ſimiliter. Et quod tenementa pred' reſidua dicit, ꝙ tempore leuationis notæ pred', predictus A. B. fuit tenens eorund̄ ad terminum vitę ſuæ, ꝓut ꝑ notam illam ſupponitur. Et hoc paratus, &c. vnde petit iudicium & qd̄ pred' A. B. ſe inde atturnet.

Et prædictus A. B. dicit qd ipſe, tempore leuationis notæ pred', non fuit tenens predictorũ reſiduorum tenementorũ ad terminũ vitæ ſuæ, ꝓut, &c. Et de hoc, &c. Ideo 1. 2. &c.

Of thus where the Conuſor hath nothing in the reuerſion.

Pl̄ fuit, Vic' B. &c. *vt ſupra.* Quibus lectis & auditis, idem A. B. dicit qd ipſe virtute notę pred', ſe pref. C. D. atturnare non debet, quia dicit, quod pred' M. N. qui recognouit tenementa prędicta cum pertiñ eſſe ius ipſius C. D. &c. nihil habuit in Reuerſione eorundem tẽtorũ cum pertiñ, tempore leuationis notę pred'. Et hoc parat' eſt verificare vnde petit, &c. *vt ſupra.*

Et predict̄ C. D. dicit, quod predict̄ A. B. tempore leuationis notæ predictæ, ſcz. in octabis Sancti Hillar. &c. tenuit tenementa prædict̄ cũ pertinentijs ad terminum vitæ ſuæ, Reuerſione inde poſt eius mortem pref. M. N. qui recogn. &c. & heredibus ſuis ſpectañ, prout per notam predict̄ ſupponitur. Et hoc petit quod inquiratur per patriam.

Et

Et pred. A.B. similiter. Ideo 12, &c.

But if the tenant claime an estate taile by deuise, thus:

Quibus lect is & auditis &c. idem A.B. dicit qd ipse, virtute notæ illius, se pref. C.D. de tenementis p̄d atturnare non debet, quia dicit, qd antequā pred. M.N. aliquid habuit in tentis prędictis cum pertinent̄, quidam I.E. fuit seisitus de tentis predict' in dominico suo vt de feodo, quodque eadem tenementa cum pert̄ tenentur, & tēp. leuac' notæ p̄d. tenebantur de W.S. in socagio per fidelitatem ei, &c. idemq; I. sic inde seisitus existens, 1 die Maij vltim̄ p̄teterito condidit testam̄ & vltimā voluntatem suā in scriptis, & per eadem legauit prefat̄ A.B. tenem̄ pred. per nom̄, &c. habend̄ sibi & hered. de corpore suo legitime ꝓcreat̄. Et postea ibm̄ obijt, post cuius mortem prædict. A.B. in tenta p̄d̄ cum pertin̄ intrauit, & fuit inde seisitus in dominico suo vt de feod' taliato, viz. sibi & hered. per formā statui & vltim̄ voluntatis predict'. Et hoc &c. vnde, &c.

Et predictus C.D. dicit, Qd ipse, per aliqua per allegata ab atturnamento predict' A.B. virtute notę pred' precludi non debet, quia dicit, quod bene & verum est, quod pred' I.E. fuit seisitus vt supra, ꝓut in breui predict' superius allegatur: sed idem C.D. dicit, Qd idem I.E. p idem testam̄ & vltim̄ voluntatem suā, inter alia legauit tenementa p̄d̄ cum pertinentijs, &c. per nomina predict', pref. A.B. ꝓ term̄ vitæ suæ, & postea idem I.E. obijt, post cuius quidem I.E. mortem idem A.B. in tenem̄ pred. cum pertinentijs intrauit, & fuit inde seisitus in dominico suo vt de libero tenemento per formā testamenti & vltimæ voluntatis pred', Absque hoc, qd idem I.E. p testament̄ & vltimā voluntatem suā predict' legauit prefat̄ A.B. &c. *vt supra*, prout predict. A.B. superius allegauit. Et hoc, &c. vnde, &c. Et prædict. A.B. vt prius dicit, &c. (*vt supra in breui*) prout ipse superius allegauit, Et de hoc, &c.

The tenant may attorne for parcell, excepting the rest, and plead therevnto.

Et modo ad hunc diem hic in curia venit tam predictus E.I. p W. W. Atturnatum suum, q̄ pred' I.E. in propria persona sua, & super hoc pred' E.I. per Atturnatum suum pred̄ petiit, qd p̄d̄ I.E. ei inde atturn̄, &c. Et predict' I.E. petit auditum breuis predict' & ei legitur, &c. Petit etiam auditum notæ finis vnde breue predict' emanauit & ei legitur in hæc verba: Inter R. querentem, & P. deforciant', &c. **rehearsing the whole note.** Quibus lect is & auditis, idem I.E quoad ten't' p̄d' exceptis decem acris in D. inde parcel', dicit quod ipse paratus est p̄fato R. inde atturnare, Et se ei in curia hic atturn' de ten'tis prædictis, exceptis pred' decem acris terræ, Et cogn', &c. & fecit fidelitatem, &c. Et quoad pred̄ decem acras terræ in D. idem I.E. dicit quod ipse, tem-

Attournment for part, and plea to the rest.

pore leuationis notæ prędꝫ. fuit ſeiſitus de eiſdem x actis terræ, cum ꝑtin in dñico ſuo vt de feodo, abſque hoc ꝙ ipſe prædꝫ. tempore leuation' notæ predꝫ, eaſdem x acr' tr' cum perꝫ tenuit pro termino vitæ tantum ꝑput, &c. Ideo finis inde ingroſſetur, Dyer f. 212. p. 35. 4. El.

And when the Tenant doth atturne, the note of the fine is to be deliuered to the Chirographer: And then it muſt be written vpon the back ſide of the ſame note ouerthwart, theſe words:

Infrauo iat' A. B. attornauit ſe infraſcript' C. D. virtut' huius notæ, ꝑput parte Tr' 39. El. Rot. 9.

Atturney in Quid iuris clamat.

Sect. 165. **VPon ſuch a plea pleaded, that the tenant may forfeit his eſtate, he may make an atturney, 21. E. 3. 48.**

Or if the tenant ſuggeſt in Chancerie, that he will plead ſo as he forfeit his eſtate, hæ may make Atturney by Ded. pot. **in forme following:**

Iacobꝰ dei gratia &c. dilecto & fideli ſuo Fr. B. &c. cum bre noſtrũ de conuen' pendeat coram vobis & ſocijs viris Iuſtic' noſtris de banco, inter R. & P. de cent' acr', &c. quas I. tenet ad vitam ſuã de præf. B. ad finem inde int' præf. R. & P. ſecund' legem & cõſuet' regni nri Angl' leuand', per ꝙ vic' nſo Eborꝫ per bre nrum mãdauimus ꝙ venire fac' coram pref. Iuſtic' noſtris, prędꝫ I. ad diem in bri illo contentum, ad cognoſcend' quid iuris clamat habere in tr' prædꝫ, Et ex parte dicti I. datum eſt nobis intelligi, ꝙ ipſe ſuper finẽ prædꝫ. atturnare non debet, eo quod ante leuac' notę finis prædꝫ. quidã S. exiſt. ſeiſit' de tr' illa in dñico ſuo ut de feod', illam dedit pref. I. & hæred. de corpore ſuo. Et ipſe ad diem ſibi datum in bãco predꝫ. materiã illã ad bre. pred. placitabit. Et tamẽ adeo impotens eſt & ſenio confectus, qd vſq; bãcum pred. ad diem ſibi datũ, abſq; max' corporis ſui periculo, laborare non ſufficit ad placitãd. pꝛ illud, nos ſtatui eiuſdem I. compatientes in hac parte, dedimus vobis poteſtatem recipiend' atturnat', quem coram vobis in loco ſuo atturnare voluerit in hac parte, ad lucrandum vel perdendum, Et ideo vobis mandamus ꝙ ad pref. I. perſ. accedent', atturnat', quem loco ſuo atturnare voluerit in hac parte, recipiatis, & de nomine eiuſd' atturnati, nobis in canc' nra, ſub ſigill' veſtro, diſtincte & apperte conſtare fac' remittentes nobis hoc bre. Teſte meipſo, &c.

The returne of the ſame.

I. ponit loco ſuo A. B. atturnat' ſuum verſus R. in pꝛ in quid iur' clam', ad lucrandum vel perpendum.

An atturnement by Dedimus poteſtatem.

And as the tenant may make a atturny by Dedimus poteſtatem, **ſo he may atturne, The forme whereof followeth:**

Rex

Rex dilecto & fideli ſuo I. & M. ſalutem, Cum breue noſtr̃ de conuenc' pendeat coram vobis & ſociis veſtris iuſticiariis noſtris de banco, inter R. & P. de cent̃ acr̃ &c. quas I. tenet ad vitam ſuam de pref. P. ad finem inde inter pref. R. & P. ſecundum legem & conſuet̃ regni nr̃i Angl̃ leuand̃, per q̃ vic' nr̃o Norff. p̃ breue noſtrum mandauimus, qd. venire faciat coram prefatis iuſticiariis nr̃is p̃d̃ I. ad diem in breui illo content̃, ad congnoſcendum quid iuris clamat habere in terra p̃d̃, ac præf. I. adeò impotens ſui exiſtat, q̃ vſq; bancum p̃d̃ ad diem ſibi datum, abſq; maximo corporis ſui periculo laborare non ſufficit, ad cognoſcend̃ quid iuris clamat habere in terra p̃d̃: Nos ſtatuti ipſius I. cõpatientes in hac parte: dedimus vobis poteſtatem recipiendi cognitionem, & teſtificandi atturnamentum, quæ præf. I coram vobis facere voluerit in hac parte: Et ideo vobis mandamus, q̃ ad præfat. I. perſonaliter accidentes, cognitionem q̃ coram vobis in hac parte facere voluerit, recipiatis: Et cum eum reciperitis, & ipſe coram vobis prout moris eſt, ſe atturnauerit, p̃d̃ ſocios veſtros de cognitione p̃d̃ diſtinctè & aperte certificetis, p̃d̃ atturnamentum teſtificantes, vt finis ille int̃ ptes q̃d̃, de t̃r̃ p̃d̃, coram vobis & ſocijs veſtris p̃d̃, in banco præd̃ leuari poſſit, ſ̃ucund̃ legem & conſuetud̃ ſupradict'. Et habeatis, &c.

After iſſue ioyned, the tenant may be eſſoined thus:

Ebor. ſ. A.B. verſ. C.D. in pl̃to quòd iuris clamat in vno meſuagio, &c. vnde iuꝝ per W.C. in quindena Hill̃, &c.

If the iſſue be found with the plaintiſe, the iudgement is in this forme: Iudgment.

Et ſuper hoc, viſis premiſſis, & per iuſtic' plenius intellectis, cõſideraꝝ eſt, qd p̃d̃ C.D. p̃ ſeiſina, de ten̄ præd̃ cum pert̃, verſus præf. A.B. occaſione clam̃ & pl̃ p̃d̃ forisfact̃ habend̃ (ſi voluerit) proſequatur, ac etiam, qd finis p̃d̃. ſi voluerit, ingroſſetur, & præd. A.B. in miſerecordia &c.

But atturnements entred vpon record, before the partie mentioned to atturne, doe firſt appeare in court in perſon, or by atturney, warranted by the hand of one of the Iuſtices of the one Bench or of the other, or one Iuſtice of aſſiſe vpon a writ of Quid iuris clamat, quem redit redd̃, or per quæ ſeruitia, **as the caſe requireth, is void without writ of Error, 23 El. c. 3.**

Vpon which iudgement the cogniſée may haue execution by habere facias ſeiſinam **in this forme:**

Rex, vic' Ebor̃ ſalutem; Sciatis q̃, cum C.D. in Curia noſtra coram iuſtic' nr̃is apud W. per conſiderationem eiuſd̃ Curiæ, recuperauit ſeiſinam ſuam verſus A.B. de vno meſuagio cum pertinent̃ in L. q̃ M.N. in eadem Curia conceſſit præf. C. D. per finem inde inter eos factum, ideo tibi precipimus, quod eidem C.D. plenariam ſeiſinã de meſuagio

p̄d cum pertinen' sine dilation' habere facias, & quid inde feceritis, sci. re facias prefatis Iusticiarijs nostr̄ apud W. in Octabis S. Martini, & habeas ibi hoc breue T. &c.

Distringas ad atturnandum.

And vpon the iudgment to atturne, both ilue a Distringas ad atturnandum, **after this manner:**

Iacobus dei gratia, &c. vic' salutem. P̄ tibi quod distringas A. B. per omnes terras, &c. Ita qd sit coram Iustic' nostris de banco ad atturnā d̄ C. D. in p̄ de quid iuris clamat in vno mess. cum pertinen. in L. qd M. N. in Curia nostra, &c. concess. prefato C. D. per finem inde inter eos fact̄. Et vnde consideratum est in eadem Curia, q̄ p̄d A. B. se pref. C. D. inde atturn̄. Et habeas ibi hoc breue. Teste, &c.

Quem redditum reddit.

Sect. 166. **HAuing thus perused the writ of** Quid iuris clamat **in euery circũstance, we are now in like manner to peruse the writ of** Quẽ red reddit.

Definition. **The writ of** Quem red̄ reddidit **is a Writ iudiciall, and issueth out of the note of the fine against the tenant of the land, to compell him to atturne to the cognisee, vpon the grant of a rent charge, or rent secke issuing out of the land,** N. B. f. 170. b. **The forme whereof issueth:**

Writ. Iacobus Dei gratia &c. vic. E. salutem. P̄ &c. tibi, qd venire fac' hic a die S. Mich. in quindecem dies E. F. ad cognoscend̄ quem reddit reddere consueuit, exeun. de vno messuag. cum pertin. in E. quem A. B. in Curia nr̄a corā Iusticiarijs nostris de banco concessit C. D. per finem inde inter eos fact'. Et habeas ibi hoc breue. Teste &c.

If vpon this writ the defendant appeare not, a Distringas **goes forth in this forme:**

Rex vic. Ebor̄ salut̄. P̄ tibi q̄ d distringas E. F. per omnes t̄ras, &c. Et q̄ de exit̄ eorundem respond̄, et habeas corpus eius hic &c. in octab S. Mich. p̄xim̄ futuro: Ad cognoscend̄ quem reddit̄ &c. exeun. de vno mess. cum pertin. in L. q̄ A. B. in Cur̄ nr̄a &c. concessit C. D. per finem inde inter eos fact', et ad audiend̄ iudicium suum inde de plurib' defaltis. Et habeas &c.

At which day if the tenant appeare, the entrie may be in this forme:

E. F. in mia pro pluribus defaltis &c.

P̄ fuit vic' E. qd distringeret p̄d E. F. &c. *vt in alijs breuibus de distr. supra.* Et modo hic ad hunc diem venit tam p̄d C. D. per W. W. Atturnat̄ suum, q̄ p̄d E. F. in propria persona sua. Et pred' C. D. pet̄, q̄ præd. A. B. se ei de redditu p̄d atturnet &c. Et p̄d E. F. petit audit' breuis, p̄d & ei legitur. Petit etiā audit' notę finis vnde idem breue emanauit, et ei legit̄ in hęc verba. Inter C. D. quer̄ &c. **reciting the note in latin, &c.**

In which case if the tenant attorne, the entrie shall be as in a Quid iuris clamat, and so shall the iudgement and execution bee also *Mutatis mutandis*, but the attornment must be in Court, 9 H.6.21.8.H.6.15. Attornment entred.

If this writ be against diuers defendants, and some appeare, & some make default, these which appeare shall not attorne without the rest, vntill they appeare, and after make default, 8 H.6.15. Diuers tenants

If the tenant once appeare, and after make default, a Distring. ad attornand. shall be awarded, 9.H.6.21.8.H.6.15. Default.

Cognisée of a rent charge, or rents for yeares, shall not haue attornemen, Quære Dyer f.140.pl.37 et 38.

The tenant cannot plead by attorney, but ex consensu querentis, 1. H.7.27. Attorney.

In Quem redd reddit, the tenant appearing is to demand what the plaintife hath to shew for the rent, and then he must shew the commencement thereof, and his title thereunto, which the plaintife may answer, 31 H.6.8.35 H.6.

In Quem redd reddit, if the tenant will disclaim, he may plead, that he was not tenant of the land the day of the note leuied: for this writ lieth against none but him which is then tenant, 8 H.6.15. Disclaimer.

I write thus briefely of this Writ because it so much resembleth a *Quid iuris clamat.*

Per quæ seruitia.

PEr quæ seruitia is a iudicial writ issuing from the note of a fine, and lyeth for the cognisée of a Manor, seignorie, chief rent, or other seruices, to compel him that is tenant of the land at the time of the note of the fine leuied, to attorne vnto him. 43 E.3.8.H.6.17.Pl.46 b. which is made thus; Sect.167.

Rex, &c. vic. K. salutem. Precipimus tibi, q venire facias corã Iust. nostris apud W. in crastin' &c. S.F.R.L.&c, ad L.&c. ad cognoscend' per quæ seruitia tenent tenementa sua tum pertin' in B. quæ seruitia E. L. in Curia nostr corã Iust. nris apud W. concessit W.B. per finem ibi inde inter eos factum. Et habeas ibi hoc breue. Teste, &c. The writ.

If the Lord grant the seruices of his tenant by fine, or otherwise, the Lord before attornment shall haue such things as lie in prender; as the ward of the bodie of the heire and of the land, escheats, &c. But not such things as lie in render: as rents and reliefe, heriots, and other seruices, for he cannot auow for them before the attornement.

If a man grant the seruices of his tenant for life, this writ lieth, Br, Per q seruitia 13. Sur grant for life.

If

If ſeruices be granted to I.S. for life, the reuerſion to M.M. & I.S. die before attornement, he in reuerſion ſhall haue Per quę ſeruitia. 2c. H.6.7.

If Per quæ ſeruitia be brought againſt diuers, of which ſome onely appeare, they are compellable to attorne, 21.E.3.48.T.32.E.3.

Vpon whoſe alienation the tenant is not compellable to attorne.

Sect.168. T. in taile.

IF tenant in taile of ſeruices leuie a fine thereof, the Tenant of the land is not compellable to attorne, 48 E.3.23. Becauſe that if the conniſor die the tenant is ſubiect to the diſtreſſe both of the conniſee and of the iſſue in taile, 24 E.3.29.43 E.3. neuertheleſſe vpon a fine with proclamation in ſuch caſe, which barreth the iſſue in taile, the tenant ſeemeth compellable to attorne.

Conniſor neuer ſeiſed.

If a fine be leuied by him which was neuer ſeiſed of the ſeruices, the tenant is not compellable to attorne, H.6.E.2.

To a particular tenant.

If the Tenant for life, or any other particular Tenant of ſeruices, which haue them not in fee, leuie a fine thereof, the terre tenant is not compellable to attorne, Itin' North. 3 E.3

Iointenant.

If one ioint tenant of a ſeignioꝛie grant, &c. the tenant is not compellable to attorne, 9 E.2.

Againſt whom a Per quæ ſeruitia *lyeth, and whom not.*

Sect.169. Terre tenant.

IT lieth againſt him onely that is tenant of the land at the time of the note of the fine leuied, 8 H.6.17.18.E.4.10. And therefore muſt not varie from the fine, 18.E.4.10.25 E.3.3.35.E.3.50.

And therefore it ſeemeth, that if he which is tenant at the leuying of the note die or alien before attornement had, that neither his heire nor the alienee is compellable to attorn, H.26.E.3.56.18.E.4.25.E.3.50. 10, yet this attornment is good, Ibid. M.31 E.3.

A Recluſe.

A Prioreſſe recluſe is compellable to attorne, 43 E.3. and an Infant 26 E.3.62. And a man onely dumbe by writing or ſignes. 26 E.3,62.

Mute, Deafe, Madneſſe.

But a man ſurde & mute is not compellable to attorne, 26 E.3,62. Nor a man non ſanę memoriæ, as a mad man, a lunatike, an Ideot, 26 E.3,62.

T. by curteſie Late feoffmẽt

Nor a tenant by curteſie for the feeblenеſſe of his eſtate, 9 E,3.31.

He that is infeoffed by the lord poſt ſtat. Quia emptores, &c. is not compellable to attorne, for he holdeth of the L. paramount, 39.E.3.19.

Quantitie.

The writ of Per quæ ſeruitia ought to ſhew the quantity of the Tenancie, H.14.E.3. for it is trauerſable, T.20 E.3. H.26.H.6.

All perſons that may be conniſees may haue this writ.

Per quæ ſeruitia ought to be in the Countie where the fine is knowledged, albeit the manor be in one Countie, and the ſeruices in another

Countie.

Countie,

Countie, 21.E.3.18.

Non suit in this action is not peremptorie, 24.E.3.25. nor the death of the conisor after the note levied. Non suit.

Per quæ seruitia lieth a yere or more after the note levied, 29.E.4.46 Time.

After peremptorie issue joyned, the tenant in Per quę seruitia, may make attorny; for if the issue be tried against him, it doth countervaile attornement, and then he may be distrained before attornement, 48. E.3.24.39.E.3.26. Attorney.

Nontenure the day of the note levyed, is a good bar in Per quę seruitia, 8 H.6.17.21 *H.*4.72. Nontenure.

It is also a good plea, that before the note levied the conisors granted the seruices to another, and that he thereupon did attorn, 9.E.3.31. Former grant.

The tenant in Per q̄ seruitia cannot disclaime, but may plead Non tenure, vt supra. 21 H.4.72. Disclaime.

After iudgement processe is Distringas ad atturnandum, 4 E.3.2.E. 3.9.5.E.4.2. Processe post iudicium.

If the mesne levie a fine of his mesnaltie to A. for life, the Remainder to B. in fee, A. bringeth a Per quæ seruitia, and the tenant atturneth, saving his acquitaile, yet shall not he in the remainder avowe, before he also acknowledge the acquitaile, 18 E.4.7. Attournment with an exception.

But a feme covert cannot confesse acquitaile in Per q̄ seruitia, because she is not examinable in this suit, 9.E.2.45.*E.*3. Feme couert.

And the tenant may atturne saving Acquitaile and warrantie according to a deed thereof. M.15.E.3.5.5.*H.*5.E.3. Itinere North. Acquitaile.

A man may grant seruices before he have seisin thereof in fait, H.6. E.2. Fitz. per quę seruitia 22. Seisin.

It seemeth vpon the grant of a manor cū pt̄, the seruices passe without attornment, as parcel of the Manor, & that the L. may avow without attornement, 16.H.6. Fitz. per q̄ seruitia 21. A Manor.

If the tenant in Per q̄ seruitia appeare, and confesse the action at the Distringas ad atturnand after iudgement, and will not atturn, he is punishable by imprisonmēt or fine, at the discretion of the court, as it seemeth, 3.E.3. Itin̄ North. Fitz. Per q̄ seruitia 17. Fine. Imprisonmēt.

Coparceners, ioyntenants, and tenants in common, may not vouch by essoine, to essoine severally, but have onely one essoine, as one sole tenant might have. W.2.ca.42.3.E.1. Rast. essoine 4. Essoine.

Of the ingrossing of fines.

When the note of the fine is made with the Custos brevium, if it be of lands in possession, or when attornement is made, if it be of a reuersion, remainder, rents, or seruices, then may it be engrossed by the Chirographer. Sect. 170.

And

Ingrossing.

And the ingrossing of a fine is nothing else but the entring of the cause and thereof with the chirographer, and the writing and deliuerie of the indentures thereof. F.N. 147. 2. 5. H. 4. fo. 14. which be called the Chirograph of the fine, and is made in forme following, viz.

Fine en taile de reuersion de rent.

Hæc est finalis concordia, facta in curia dñi Reg. apud Westm, a die Pasch. in 15 dies an regni Iac. &c. 3. coram Edm. Anderson, T. Walmsley, R. O. & R. B. Iustic. dom Reg. & aliis fidelibus tunc ibi præsentibus, int A.B quer & L.C. deforc', de decē mercat reddit cum pert in B. quē P. de A. tenet & terminum vitę, vnde placitum conuentionis sum fuit inter eos in ead cur, scz. qd pred L. concessit pro se & hered suis, qd pd red cum pertin' quem prædict. P. tenuit ad terminum vitæ ex dimissione predict. L. in prædict. vill die quo hæc concordia facta fuit, & qui post decessum ipsius P. ad præd. L. & heredes suos debuit reuerti, post decessum ipsius P. integre remaneant pred. A. & hered. de corpore suo procreat, tenend de capitali dominis feodi illius per seruitia quæ ad pdict' redd pertinent imperpetuum, Et si contingat, quod idem A. obierit sine hered. de corpore suo procreat, tunc post decessum ipsius A. pdict. red cum pertin' integre remanebit rectis heredibus ipsius A. rem de capitalibus dominis feodi illius per seruitia quę ad pred red pertin' imperpetuum: Et pro hac concessione fine, & concordia, idem A. dedit pfat. L. cent marcas argenti. And so of others according to the diuersitie of their tales.

Rem. ad heires de corps.

Rem as droit heires.

Of the tabling of fines ingrossed.

Sect. 172. Tables.

The chirographer of fines of the common pleas, for euer must write and make one table for euery Countie, where his Maiesties Writ runneth, containing the contents of euery fine that shall passe in any one Terme; as the name of the countie, townes, and places, wherein the tenements mentioned in any fine be, the name of the plaintife and defendant, and of euery manor named in any fine. And the first day of the next terme after the ingrossing of euery such fine, shall fixe euery of the said tables in some open place of the Court of Common pleas, and so euery day of the said terme during the sitting of the said court: and the said Chirographer shall deliuer to euery sherife of euerie Countie, his vnder-sherife, or deputie, faire written in perchment, a perfect Content of the table so to be made for that shire in the Terme that shall bee next before the assises to be holden in the same county, or else meane betwen the terme and the said assises, to be set vp the first day and euery day of the next assises in some open place of the court, where the iustices of Assises then shall sit, to continue there so long as they shall sit in the sayde court: if either the chirographer or sherife faile herein, he forfeiteth x.li. and the chirographers fee for euery such table is iij s. 23. El. c. 3.

Contents.

How

How many Proclamations are to be made upon Fines, and when.

Foure Proclamations onely are now to be made upon euery fine with Proclamation, that is to say, one in the Terme in which the fine is ingrossed, and in euery one of the three termes next ensuing the ingrossing thereof, one Proclamation, 13. Eliz. c. 2. Sect. 172.

But if any of the same Proclamations faile, by reason of the adiournement of any of the said Termes by writ of adiournement duly made, yet is such fine good, and a good fine with Proclamations, as if the same had beene proclaimed, 1. M. c. 7. Adiournment.

But if any Proclamation be made upon a Sonday, it is Error, because it is not dies Iuridicus, Dyer fol. 228. pl. 53. 5. 2. Eliz. Sondaies.

Of the Proclamations of Fines at the Assises and generall Sessions, how they must be certified.

TO the end better notice of fines may come to them, to whom it appertaineth, it is ordained by the said Sta. of 4. H. 7. c. 24. That the Iust. of the Common place shall send a transcript of such fines to the Iust. of Assise, in the Counties where the land doth lye, to be proclaimed openly and solemnly at all the Assises, which shall be therein holden, within one yere after the ingrossing of such fines: and that the like transcript be made to the Iust. of Peace, there to be proclaimed at foure generall Sessions in the said Counties, and both the same Proclamations to be made and certified into the common place the second day of the returne of the Terme then next following: and it is to be noted, that while the said fines are read, all pleas must cease, 4. H. 7. c. 24. Sect. 173. Sessions. Assises.

The forme of euery such Proclamation is thus: After the Cryer hath made an Oyes for silence, saying: Oyes les fines lies, or to that effect, the Chirographer or, his deputie, readeth the fines thus: Ebor. A fine with proclamations betweene A. B. plaintife, and C. D. deforciant, of tenements in D. &c. Proclamation.

If the Cognisees in fines die, before the ingrossing thereof, no Proclamation shall be made, because they had their election to haue the fine with Proclamations or without, which election is now by their death determined, Dyer fol. 254. pl. 104. 8. Eliz. Plow. fol. 266. b. Cognisee dead

Of the inrolment of all the part of Fines after the ingrossing thereof and Proclamations passed.

BY the Statute of 27. Eliz. it is ordained, that there shall be for euer an office of Inrolment, called the office of Inrolments of fines and recoueries in the Iust. of the Common pleas, for the time being other than the chiefe Iust. shall haue and take the care & charge of and for the Inrolments aforesaid, see the examinations thereof, and write Sect. 174. Office of Inrolement of Fines, &c.

their

their names vnto the rolls thereof, & haue & enioy the said office and the disposition thereof, and carefully see & looke to the execution thereof. And haue for the inrolment and examination of euery such fine vs. viij.d.

Exemplificatō. And for euerie exemplification of euery such inrolment of any fine v.s. for one yeare search iij.d. for euery sheet of paper conteining xiij. lines iij.d.

Punishment. And the Iustices of the Common place haue power to take order in all things conuenient for the said inrolments, and vpon examination in the said Court, to assesse fines and amerciaments vpon persons offending, for their misprision, contempts, or negligence for not doing or misdoing of any thing, of, in, or concerning any such fines, as they shall thinke meete and conuenient, 23. Eliz. c. 3.

Inrolment of fines. And euery Writt of Couenant, and other Writt, whereupon any fine is leuied, the returne thereof, the Dedimus potestatem made for the knowledging thereof, the returne thereof, the concord, the note, and foot of euery such fine, the Proclamations made thereupon, & the Kings fiuer vpon the request or election of any person, may be inrolled in the said office: and the inrolments of the same, or of any part thereof, shall be of as good force and validitie in the Law, to all intents for so much of any of them so inrolled, as the same being extant and remaining were or ought by Law to be, 23. Eliz. c. 3.

Of the exemplification of the parts of Fines inrolled.

Sect. 175. WHen any of the parts of a fine be inrolled according to the said Statute, then may the same be exemplified, either vnder the Seale of the office, or vnder the great Seale of England: but to exemplifie such a fine vnder the great Seale hath this discommoditie, that if any errors remaine in the Record of the same fine, they be not amendable after the exemplification thereof, 23. El. c. 3. but it seemeth this extendeth onely to fines leuied before the same Statute of 23. El. c. 3.

These inrolments and exemplifications seeme very necessarie, because that the originall and warrant of the said Court, many errors happning in the former Records thereof, may be amended, and these inrolments will suffice, if the former Record thereof or any part thereof, be imbezelled or otherwise defaced, 23. Eliz. c. 3.

The exemplification of a fine inrolled according to the Statute 23. Eliz. c. 3.

Eliz. Dei gratia &c. Omnibus ad quos præsentes literæ pervenerint, salutem: Sciatis quod inrotulamenta brevium & aliorum placitorum & finibus secundum formam statuti de anno Regni [illegible] apud Westm. de regno nostro [illegible] inrotulat. & conservat. sic, videlicet, Essex. El. Dei gratia Angl. Franc. & Hiberniæ Reginæ fidei defensor &c. vic.

vic' Essex salutem. Præcipe E. W. armig', & I. vxori eius, quod iuste & sine dilatione teneant I. W. & I. S. conuentionem inter eos factam, de duobus messuagijs, duobus gardinis, duobus pomar', 20. acr' terræ, 20. acr' prati, xl. acris pastur', & C. acris iampnorum & brueræ, cum ptin' in B. & W. Et nisi fecerint, & præd' I. & I. fecerint te securū de clam' suo pros. tunc sumn' p bonos sumn' pdictos E. & I. quod sint coram Iusticiarijs nostris apud Westm' in Octabis sancti Michaelis, ostensuri, quare non fecerint, Et habeas ibi sumn', & hoc breue. T. meipsa apud Westm' 17. die Septembris, Ann' regni Reg. nunc 40. * Pleg' de pros. Iohañ Doo, Richardus Roo, * Summ' Iohannes Den, Richardus Fen. * Georgius T. ar'. vic' ss. * I. W. dat domin' Reg. sex solidos & octo denarios p' licen' concord' cum E. W. armig', & I. vxore eius de placito conuentionis de duobus messuagijs, duobus gardinis, duobus pomarijs, 20. acris terre, 20. acris prati, 10. acris pastur', & centum acr' iampnorum & brueræ cum pertin' in B. & W. Et habet Cir' per pacem admiss. * Coram R. H. vno Iustic' domin' Reg. de banco Iustic' in patria ss. * Elizabeth. dei gratia Angliæ, Franciæ, & Hiberñ Reg. fidei defensor', &c. dilecto et fideli suo R. H. vni Iustic' suorum de Banco, Salutem. Cum breue nostrum de conuen' pendeat coram vobis & socijs vestis Iustic' nostris de banco, inter I. W. & I. S. E. W. arm', & I. vxorem eius, de duobus messuagijs, duobus gardinis, duobus pomarijs, 20. acr' terræ, 20. acris prati, in B. & W. in comitat' Essex, ad finem inde inter eos coram vobis & socijs vestris prædictis in banco prædict' secundum legem & consuetudinem Regni nri Angl', leuand', Ac ijdem E. & I. adeo impotentes sui existunt, quod absque maximo corporum suorum periculo vsque Westm' ad diem in breui predicto content', ad cognitiones, quæ in hac parte requirunt' faciend' laborare non sufficiunt, vt accepim': Nos statui eorundem E. & I. compatientes in hac parte, dedimus vobis potestatem recipiend' recognitiones quas præd' E. & I. cor' vobis facere voluerint de premissis, Et ideo vobis mandamus quod ad præf. E. & I. personaliter accidentes, cognitiones suas prædictas recipiatis: Et cū eas receperitis, præfatos socios vestros inde sub sigill' vestris distincte & aperte reddatis certiores, vt tunc finis ille inter partes prædictas de premissis, coram vobis & socijs vestris prædict' in banco prædicto leuari possit, secundum legem & consuetudinem supradictas. Et habeatis ibi tunc hoc breue. T. meipsa apud Westmon' xviij. die Septembris Anno Regni nostri 40. * Respons. infranominatur R. H. ad hoc breue. Execuc' istius breuis patet in quadam sedula huic breui annex'. * Et est concordia talis, scilicet, quod E. & I. nominat' in breui huio sedul' annex', recogn' ten' in dicto breui specific' cum pertinentijs esse ius I. W. in eodem breui nominat', vt ill' quæ ijdem I. & I. S. in dicto breui nominat' habeant de dono prædict' E. & I.

Et

Et ill̃ remiſer̃ & quiet̃ clam̃ de ſe & hered̃ ſuis pref. I. & I. & her̃ ipſius I.W. imperpet. Et præterea ijdem E. et I. conc' p ſe & hered̃ ipſius I. qd ipſi warrant̃ tenementa predicta cum pertinentijs prefat̃ I. & I. & hered' ipſius I. W. contra omnes homines imperpetuum. Et pro hac, &c. ijdem I. W. et I. S. conceſſ. tenementa prædicta cum pertinentijs pref. E. et I. Et ill̃ eis reddider̃ in eadem curia. Habend̃ & tenend̃ eiſdem E. et I. hered̃ de corpore ipſius E. per prædictam I. legitime procreat̃, & p defectu talis exitus, tenementa prędicta cũ pertiñ, integre remañ pref. I. & hered̃ de corpore ipſius I. legitime procreat̃, & pro defectu talis exitus, tenementa predicta cum pertiñ, integre remañ rectis hered̃ ipſius E. imperpetuum. Tenend̃ &c. R. H. ‡ Hęc eſt finalis concordia facta in curia Dominæ Reginæ apud Weſtm̃ in Octabis ſancti Michaelis Anno regni Elizab. Dei gratia, Angliæ, Franciæ, & Hibern Reginæ, fidei defenſ. &c. à conqueſtu decimo, coram I. D. R. W. I. W. & R. H. Iuſtic' & alijs dom̃ Reg. fidelibus tunc ibi preſenti-b'. Int I. W. & I. S. quer̃ & E. W. arm̃, & I. vxor̃ eius defore' de 2. meſ. 2. gard̃, 2. pom̃, 20. acr̃ prati 40. acr̃ paſtur̃, & C. acris iampnor̃ & bruere, cum pertinentijs in B. & W. vnde placitum conuenc' ſumm̃ fuit inter eos in eadem cur̃, ſc. quod pred' E. & I. recogn̄ pred' tenementa cũ pertiñ. eſſe ius ipſius I. W. vt ill̃ quæ ijdem I. & I. S. habeant de dono pred' E. & I. Et ill̃ remiſ. & quiet̃ clam̃ de ipſis E. & I. & hered̃ ſuis, pred̃ I. & I. & hered' ipſius I. W. imperpetuum. Et præterea ijdem E. & I. conceſſer̃ p ſe & hered̃ ipſius I. quod ipſi warr̃ pred̃ I. & I. et hered ipſius I. W. pred' tenementa cum pertiñ contra omnes homines imperpetuum. Et p hac recogn̄, remiſſione, quiet̃ clam̃. warrant̃, fine & concordia, ijdem I. & I. conceſſer̃ prædictis E. & I. prædicta ten̄ cũ pertinent̃. Et ill̃ eis reddider̃ in eadem cur̃, Habend̃ & tenend̃, eiſdem E. & I. & hered' de corpore ipſius E. per predictam I. legitim̃ procreat̃, de capitalibus dominis feod' ill̃ per ſeruic', quæ ad pred' tenem̃ pertinent, imperpetuum. Et ſi contingat quod ijdem E. & I. obier̃ ſine hered̃ de corpore ipſius E. per pred' I. legitim̃ p creat̃, tunc poſt deceſſum ipſor̃ E. & I. predict' tenementa cum pertiñ integre remañ hered' de corpore ipſius I. legitime p creat̃, Tenend̃ de capitalibus dominis feod' ill̃ per ſeruic', quæ ad pred̃ tenementa pertinent, imperpetuũ. Et ſi nullus heres de corpore ipſius I. fuerit legitime procreat̃, tunc prædicta tenementa cum pertinentiis integre remaneb. rectis hered̃ ipſius E. Tenend̃ de capitalibus dñis feod̃ ill̃ perſeruit̃ quæ ad pred̃ tenem̃ ta pertinent, imperpetũ, ſecund̃ form̃ ſtatut̃. ‡ Prim̃ proclam̃ facta fuit 22. die Nouembr̃ termiñ ſanct' Michael. Anno vndecimo Reg. inſt̃ ſcr. Secunda proclam̃ xxiiij. die Nouemb. eodem termino. Tertia proclam̃ xxvj. die Nouemb. eod' termiñ. Quarta proclam̃ 29. die Nouem̃ eod' term̃. Quinta p clam̃ facta fuit ſeptimo die Feb. term̃ ſanct

Hil̃

Hil' anno 11 dict' reg' infrascr. Sexta procl' 9. die Febr eod term Septima procl' dict Febr eod term. Octava procl' 12 die Febr. eode termin. Non pcl' fact' fuit 14 die Maij term Pasch. ann 12 Reg. infrascr. Decima pcl' 17 die M. eod term. Vndecim pcl' 23 die M. eod term. Duodecim pcl' 23 die M. eod. term. Tercia decima pcl' fact' fuit 21. die Iunij term Sanct' Trinit ann vndecim Reg. infrascr. Quarta decim pcl' xxv die Iunij eod term. Quintadecim pcl 27 die Iunij eod term Quæ omnia & singula ad requisitionem W. W. generos. tenore pñt duximus exemplificand. In cuius rei testimon sigil' nrm ad bria in bco sigillandum deputat præsentib' apponi fecim' T. F. W. W. & F. R. Iustic' de Banco pd apud West. die &c. ann reg. nunc 20. &c.

W. P. & R.

How fines executorie be executed.

The execution of a fine is the obtaining of actuall possession of the things contained in the same by vertue thereof, and it is either by entrie into the lands, or by writ. Sect. 176.

By entrie into the lands, as if vpon a fine sur cognisance de droit come ceo q̃ il ad de son done, If the cognisor remaine still in possession, And the cognizee by vertue of such fine enter vpon him, as he lawfully may, without any writ of habere fac' seisin', because such fine is executed, 4 E. 3. 14. 14. E. 3. 5. And if a fine be leuied to the husband & wife in speciall taile, the rem' to the heires of the body of the husband, and the wife dieth without issue, the remainder is executed in possession in the husband, for the estate taile ceaseth with the freehold, and determineth it, 7 H. 4. 23.

Execution of fines by writ.

Execution of Fines by Writ is either by Habere facias seisinam, or by Scire facias. Sect. 177.

A writ of Habere facias seisinam in this case is a writ iudiciall, issuing out of the Record of a fine executory, directed to the Shirife of the Countie where the land lieth, commanding him to giue the Cognisee or his heires seisin of the land, whereof the fine is leuied. And this writ lieth within the yeare after the fine or iudgment vpon a Scire facias, And may be made in these formes:

Rex vic', &c. Præcipimus tibi, q̃ sine dilatione habere facias B. K. seisinã suam de messuag' cũ pert in N. q̃ A. T. in cur nra, &c. reddidit pd B. per finem inde inter eos fact' secundũ, Teste, &c.

Duodecim, &c. de visu, &c. Et quia nec B. nec R. & A. vxor eius aliqua &c, ad cognoscend si tempore leuationis cuiusdam finis leuati in

Venire facias en Scire facias sur fine sur issue si les.

Partes fuerunt seisie al temps del fine leuie &c.

Curia domini E. nuper Regis, &c. apud West. in craſt. &c. anno, &c. coram R. B. & ſocijs ſuis nunc Iuſticiarijs ipſius nuper Reg. de banco. Et poſtea in craſtin' animar' &c. anno, &c. ibid' conceſ. et record' coram eiſdem nuper Iuſticiar' & alijs eiuſdem nuper Regis fidelibus, tunc ibi preſentibus inter T. Ket R. F. quer', & I. B. et I. vxor' ei' deforc', de quatuor ſolidis redditus cum pertinentijs in S. vnde prædict' G. in Curia noſtra &c. petit executionem verſus præfat' R. et A. virtute finis præd', ac de alijs tenementis et redditibus in eodem fine contentis, prædict' T. K. et R. et prædict' I. B. et I. qui fuerunt partes fini illi, fuerunt ſeiſiti de prædictis quatuor ſolidis redditus cum pertinentijs, prout per eundem finem ſupponit', per quod prædict' B. executionem prædict' quatuor ſolid' redditus cum pertinentijs verſus præfatos R. & A. virtute finis prædict' habere debeat, ſicut idem E. dic' vel non, imo nec præd' T. K. et R. nec prædicti I. B. & I. qui fuerunt partes fini prædicto, tempore leuationis eiuſdem finis aliquid habuer' in prædict' quatuor ſolid' redditus cum pertinentijs nec in meſſuag', vnde ſupponit' redditum illum prouenire, per quod prædict' B. ab executione prædict' qdatuor ſolid' redditus cum pertinentijs verſus præfatos R. & A. virtute finis prædict' habend' excludi debeat, ſicut idem R. & A. dicunt, quia tam, &c.

Conceſſ. & recordat.

Fine de rent.

Habere facias ſeiſinã ſur rec' en ſcire facias hors de fine p confeſſion.

Scias, q. eſt conſ. in Curia noſtra, q. W. L. et alij, &c. habeant executionem verſus W. Tude decem acris terræ cum pertinentijs in D. virtute cuiuſdam finis inde leuati in Curia domini E. nuper Regis, &c. apud W. adje, &c. anno, &c. coram R. B. et ſocijs ſuis tunc Iuſtic' eiuſdem progenitor noſtri de Banco, inter I. G. iuniorem et W. G. quærentes, et E. P. & M. vxor' eius deforc', de prædict' decem acris terræ cum pertinentijs, ac de alijs terris & tenementis in eodem fine contentis, per cognitionem prædict' W. T. actionis prædict' V V. L. et al', et ideo tibi præcipimus, quod eiſdem V V. L. et al', de prædictis decem acris terræ cum pertinentijs ſine dilatione plenariam ſeiſinam habere fac', &c.

Habere facias ſeiſinam ſur recouery p def. en ſcire facias hors de fine.

Scias, q. conſideratum eſt in Cur' noſtr' &c. q. T. B. conſang' & hæres V V. fratris P. filius M V. et M. vxoris eius, hēat execuc' verſus R. R. &c. de 40 acr' boſci cum pert' in B. virtut' cuiuſdam finis in Curia Dom' E. nuper regis &c. apud W. &c. inter prefat' W. & M. quer', & W. de B. & R. fil' W. &c. deforciant &c. de tent' prēd' leuatis per defalt' ipſorū &c. Et ideo tibi precipimus, quod eidem T. B. de prædict' tent' cum pertinentijs ſine dilatione plenariam ſeiſinam & executiõ habere facias, Teſte, &c.

Habere facias ſeiſiñ ſur rec' p def. en Scire fac hors de fin'

Rex vic' ſalutem. Scias, quod conſid' eſt in Curia noſtra coram Iuſticiarijs nris apud W. quod T. B. conſanguiñ et hęres V V. B. habeat execuc' verſus R. D. de manerio de A. cum pertineñ in com' tuo, virtute cuiuſ-

cuiusdam finis leuati in curia dñi E. nuper Reg. Anglię &c. apud W. a die &c. anno &c. coram R. B. & socijs suis tunc Iustic' ipsius nuper Regis de banco. Et postea in octab. &c. anno &c. ibm concess. & recordat', inter pfat' W. quærentem, & A. deforciant' de manerio prędt per defalt ipsius R. Et ideo tibi præcipimus, q̄ eidem T. B. de manerio prædt cum pertin' sine dilatione plenariam seisinam & executionē habere facias. Teste, &c.

Concess. & recordat.

Scias q̄ consideratū est in Curia nra &c. q̄ R. M. & R. A. consanguin' & hæred' H. de B. & M. vxoris eius, habeant executionem versus I. C. &c. de duabus partibus manerij de Y. cum pertin', virtute cuiusd' finis leuati in Cur' domini E. nuper regis &c. apud W. in crastino, &c. anno &c. coram T. W. & socijs suis tunc Iustic' &c. de banco, inter H. B. & M. vxor' eius quer', & B. D. & B. vxor' eius deforciat', de prædict' manēr' cum pertin', ac de aduocatione Ecclesiæ eiusd' manerij, put̄ q̄ quendā iuratam coram dilectis & fidelibus nostris I. T. & W. A. duobus Iust. nr̄is de Communi banco, per form' statuti nr̄i inde puisi, die &c. apud R. inde inter eos capt', compertum fuit: Et ideo tibi præcipimus, q̄ eisd' R. & R. de duabus partibus prædt cum pertin', sine dilatione executionem & plenariam seisinam habere facias. Teste &c.

Habere facias seisinā sur r couery per v dict en Scire facias hors de fine.

Nisi prius.

Of execution of Fines by Scire facias.

A Writ of Scire facias vpon a fine, lieth in the same case that a writ of Habere facias seisinam doth, sauing that it is to be sued a yeare and a day after the fine is leuied, whereby the Shiriffe is commanded to warne the tertenant to appeare, and shew cause, if he can, why the Cognisee or his heires should not haue execution. At the returne whereof, if the tenant appeare, and shew no cause to the contrary, the plaintife shall haue an Habere facias seisinam, *vt supra*. And the forme of diuers Scire facias in like case ensue.

Sect. 178.

Rex vic' salutē. Cum quidam finis leuatus fuisset in Curia dñi E. filij Reg. H. pgenitor nr̄i fcz. apud W. in octab. &c. anno regni sui tricesimo quarto, coram R. H. & socijs suis tunc Iustic' ipsius progenitor̄ nr̄i de banco inter G. P. & I. vxor' eius quer', per W. F. posit' in loco eorum ad lucrand' vel perdend', & S. H. deforc', de maner' de C. cum pertin', vnde placitum conuentionis summonitum fuisset inter eos in ead' Curia, fcz. q̄ prædict' G. recogn̄i maner' prædt cum pertin' esse ius ipsius S. vt illud q̄d idem S. habuisset de dono p̄d' G. Et pro illa recognitione, fine, & concordia, idem S. concessisset p̄dict' G. & I. prædict' manerium cum pertinentijs, & illud eis reddidit in eadem Curia: habend' & tenend' eisdem G. & I. & hered' quos idem G. de corpore ipsius I. p̄creasset, de prædicto S. & hæredibus suis imperpetuum, reddendo inde p̄ annū

Scire facias hors de fine for the heires in taile.

Attorney in fine.

Render to the husband and wife, & to the heires of the husband of

vnam Rosam ad festum &c. p̃ omni seruitio, concess. & actione ad prędict' S. & hered' suos pertin', & faciend' inde capitalibus dominis feodi illius, pro prædict' S. & hæredibus suis, omnia alia seruitia, quæ ad manerium illud pertinerent: Ita quod si contingeret, quod prædict' G. obierit sine hærede de corpore ipsius I. procreat, tunc post decessum ipsorum G. & I. prædictum manerium cum pertinen' integre remaneret W. fratri eiusdem G. & hæred' de corpore suo procreat, tenend' de prædict' S. & hæred' suis per prædicta seruitia, sicut prędictum est, imperpetuum. Et si contingeret quod prædictus W. obiret sine herede de corpore suo procreato, tunc post decessum ipsius W. prædict' manerium cum pertinentijs integre remaneat I. fratri eiusdem W. & hæred' de corpore suo procreat, tenend' de prædicto S. & hæredibus suis per prædicta seruitia, sicut prædictum est, imperpetuum. Et si contingeret prędict' I. obire sine hærede de corpore suo procreat, tunc post decessum ipsius I. prædictum manerium cum pertinentijs integre remaneret E. fratri eiusdem I. et hæred' de corpore suo procreat. tenend' de prædict' S. & hæred' suis per seruitia prædict' sicut prædict' est, imperpetuum: Et si contingeret quod prædictus E. obiret sine hærede de corpore suo procreato, tunc post decessum ipsius E. prædict' manerium cum pertinentijs integre reuertatur ad prædict' S. & hæredes suos, quiet de alijs hæred' ipsorum C. & I. W. I. & E. tenend' de capitalibus dominis feodi illius per seruitia, quæ ad illud manerium pertinerent, imperpetuum: Ac iam ex insinuatione I. L. & M. vxoris eius vnius, ac T. V. & T. vxor' eius, alterius, necnon H. B. tertij, consanguin & hæred' prædict' G. & I. de corporibus suis procreat accepim', qd prædict' G. & I. mortui sunt, Et qd quidam T. L. & R. I. prædict' manerium cum pertinentijs modo ingressi sunt, & illud tenent contra formam finis predict', Et quia volumus eaque in Cur' precipitoris nostri acta sunt, debite executioni demandari tibi præcipimus, qd p̃ ꝓbos & legales homines de balliua tua Scire facias præfat' T. L. & R. qd sunt coram Iustic' nostris apud W. in octab. &c. ostens. si quid p̃ se habeant aut dicere sciant, quare prædict' manerium cum pertin', qd ipsi tenent in forma prædicta, post mortem prædict' G. & I. pręf. M. T. & H. consanguin & hæred' ipsorum G. & I. de corporibus suis procreat, remanere non debent, iuxta formam finis prędicti, si sibi viderit expedire, Et habeas ibi nomina eorum, p̃ quos eis scire fecer', & hoc breue, Teste, &c.

Rex Vicecom' salutem: Cum quidam finis leuatus sit in Cur' domini E. nuper Regis Angl' auinostri, tali die, & anno, coram A. & socijs suis tunc Iust. eius' aui nostri de Banco, inter W. quærent, & R. deforciant, de manerio de T. cum pertinen', vnde placitum conuentionis summonitū fuit inter eos in eadem Curia, scilicet, quod prędict' R. recogn̄ prędict' manerium cum pertinen' esse ius ipsius W. vt illud quod idem W. habuisset

habuisset de dono prædicti R. & p illa recognitione, fine, et concord', idē W. concessisset præd R. præd' manerium cum pertiñ, habēd et tenend eidem R. de pred' W. et hered' suis masculis de corpore suo procreatis tota vita ipsius R. reddend' inde per annum, &c. Et post decel. ipsius R. præd' manerium cum pertiñ integre reuertat ad predict' V V. & hæred' suos, quiet de hæred' prædict' R. tenend' de captalibus dñis feodi illius, per seruitia, quæ ad illud manerium pertinerent, imperpetuum. & si contingeret quod prædictus R. obiret sine hęrede masculo de corpore suo p creat, predict' manerium cum pertiñ integre remaneret T. fratri ipsius V V. et hæredibus masculis de corpore suo procreat, tenē de capitalibus dñis feodi illius per seruic' pred' imperpetuum: Ac iam ex insinuatione A. filij & heredes pred' T. accepimus, q pred' R. iam obijt, & q præd' V V. obijt sine hæred' masculo de corpore suo p creato, & q I. vnum messuagiū &c. cum pertinent, quæ fuerunt pars el. manerij pręd' modo ingressus est, et illa tenet contra formā finis præd. Et quia volumus ea, &c. ostens. si quid p se habeat aut dicere sciat, quare præd tenementū cum ptiñ, pred' A. filio et heredi predicti T. remanere non debeat, iuxta formā finis predicti, si sibi viderit expedire, &c. Et habeas, &c.

Rēder pur vie oue reuertur a luy in taile & remainder ouster en taile.

Et modo hic ad hunc diem venit tam prędictus I. S per S. Atturnatū suum, quam predict' V V. et A. per F. Atturnatum suum, & vicecomit mand q sciri fecerit eisdem V V. & A. essendi hic ad hunc diem ostens. separatim in forma prædicta, per R. et S. probos, &c. Et super hoc pred I. dicit, quod ipse est consang' & hæres pred' I. et E. videlicet, &c. & petit versus pred' V V. et A. separatim executionem in forū prędict', &c.

Scire facias. vers seueral tenants. Retur Scire fecit. Cousinage allege.

Et iam predicti V V. & A. quoad predicta tenemēta, vnde executio versus eos secuta est, q predict' R. & I. quoad predicta tenementa, vnde executio versus eos separatim petita est, singulatim dicunt quod nec pred' I. nec pred' V V. & B. quos per finē pred' supponit esse partes finis illius, nihil habuer' in tenem pred' cū pertiñ, vnde executio versus V V. & A. separatim petita est, tempore leuat' eiusd finis, imo quidā I. C. fuit inde seisitus tempore leuationis finis illius, cuius quid' I. C. stat in tenip illis, vnde executio versus eos petita est, quam pred' R. et I. separat habent in tenem pred', vnde executio versus eos singulatim petita est, separatim petunt iudicium, si pred' I. executionem inde versus eos habere debeat, &c. Et pred' I. dicit quod tempore leuation finis illius pred' I. & I. qui fuerunt partes finis illius, fuerunt seisiti de tenem pred' cum ptin', vnde executio versus pred' V V. & A. separatim in forma et modo pred' secuta est, put per fin illū supponit, et hoc petit, &c. Ideo &c.

A barre that the parties to the fine had nothing in the land at the time of the fine, but I. whose estate the tenant hath.

Issue that I. was seised at the time of the fine leuied.

Scire facias super fine.

Cum quidam finis leuasset in Curia domini E. quondam Reg' Angl' aui nostri, a die Sanctæ Trinitatis in quindecim dies, anno, &c. corã L. de B. & socijs suis tunc Iusticiarijs ipsius aui nostri itinerantibus apud Ebor' inter Alanum querent', & A. defend' de decem libratis terræ cum pertinentijs in A. in manerio de L. in comit' de N. vnde placitum conuentionis summonitum fuisset inter eos in eadem curia, scil' qd predict' Adam recogn' pdict' tenementa cum ptinentijs, vt in dominicis, redditibus, &c. & omnibus alijs rebus ad predicta tenementa ptinentib', esse ius ipsius Alani, pterea idem A. dedit & concessit prędicto Alano quinque marcas redditus cum pertinentijs in A. in Comitatu K. & totũ mãnium de B. cum pertinentijs in Comitatu tuo, vt in dominicis &c. habendum & tenendum eidem Alano & vxor' eius, & hæredibus de corporibus ipsorum Alani & E. pcr', de capitalibus dominis feodorum illorum imperpetuum, faciend' inde omnia seruitia, quæ ad præd' tenement' pertinerent, et pdictus A. et hæredes sui warr' eisdem Alano & E. & hæredibus suis prædictis, omnia prædict' tenementa cũ ptinen', p prædict' seruitia contr' omnes gentes imperpetuum, & si contiger' qd prædict' A. & E. obirent sine herede de corporibus ipsorum Alani & E. pcr', de capitalibus dominis feodorum illor' imperpetuum faciend' inde omnia seruitia quæ ad pdict' tenementa ptinent: & pdict' A. & hæredes sui warr' eisdem Alano et E. & heredibus suis pred' omnia pred' tenementa cum pertinentijs p pdict' seruitia contra omnes gentes imppetuum, & si contigeret quod pdicti A. & E. obirent sine hærede de corporibus ipsorum Alani & E. procreat', post decessum ipsor', Alani & E. pdict' tenementa cum ptinentijs ad prętatum Adam, & hæredes suos integre reuerterentur quieta de alijs heredibus ipsorum A. & E. imppetuum: Ac iam ex insinuatione Anthonij de L. & I. consanguineorum & hered' predict' Adæ accepimus, quod prędict' Alanus et E. iam obierunt, & quod Iohannes filius & heres eorundem Alani & E. obijt sine hæred' de corpore suo pcreato, & etiam Wilihelmus filius prædict' Alani et E. & frater et heres prędict' Iohannis idm. obijt sine herede de corpor' suo pcreato, & q quedam Iohanna, quæ fuit vxor Iohannis de W. pdict' manerium de B. cum pertinentijs ingressa est, & illud tenet contr' form' finis pdict'. Et ideo tibi pceperimus, qd p bonos & legales homines de comitatu tuo scire faceres pdict' Iohannæ, q esset coram Iusticijs nostris apud Westm' a die Sancti Michaelis in quindecim dies, prim' præter, ostensura si quid pro se haberet vel dicer' sciret, quare præd' manerium de B. cum pertinen', prædict' Anthon' & I. consanguineis & hered' præd' Adæ reuerti non deberent, si sibi videret expedire, ac p eo quod idem I. postea in eadem cur' nra dixit quod prædict' Anthonius sequeretur executionem finis prędict' de medietat'

prædicti manerij de B. cum pertin', versus prædictam Iohannam: Ead' Iohanna venit in eadem Curia & dixit, quod ipsa tenet prædictū manerium de B. cum pertin' per nomen manerij de R. ex dimissione N. de C. & quod reuersio inde post mortem eiusdem Iohannæ ad prædict' N spectat, sine quo non potest prædict' Anthonio de prædict' medietate manerī præd' respondere, & petit auxilium de ipso Nicholao. Et ideo tibi præcipim', qd per bonos &c. scire facias prædicto N. quod sit &c. apud Westm' a die &c. ad respondend' prefat' A. simul cum prædicta Iohanna de prædicto placito si voluerit. Et habeas ibi nomina, &c. Teste &c.

Scire facias sur ayde.

Cum quidem finis leuasset in Curia dñi E. nuper Regis Angliæ aui nostri xv. termino Trin̄, anno &c. coram A. & socijs suis tunc Iusticiar̄ ipsius aui nostri itinerantibus, apud E. inter B. quer̄ & C. deforc', de decem lib̄ reddit̄ cum pertinentijs in B. in manerio de S. in Comitatu E. vnde placitū conuentionis sum̄ fuisset inter eos in eadem Curia, sc. qd pred' C. recogn̄ tenem̄ta pred' cum pertin̄, vt in dominicis, reddit̄ &c. & omnibus alijs rebus ad præd' tenta pertin̄ esse ius ipsius B. præterea idem C. dedit & concessit prædict' B. quinq; marc' reddit̄ cū p̄tinen̄ in A. in Comitatu S. & totum manerium de D. cum pertinentijs in eodem Com̄ vt in dominicis habend' & tenend' eidem B. & E. vxori eius, & hæred' de corporibus ipsorum B. & E. exeuntibus, de capitali dñis feodi illius imperpet̄, faciend' inde omnia seruic' quæ ad præd' tenta pertinent. Et præd' C. & hered' sui warrant̄ eisdem B. & E. & hered' suis prædict', omnia prædict' manerī cum suis pertin̄ per pred' seruitia contra omnes gentes imperpet̄. Et si contingat quod præd' B. & E. obirent sine hered' de corp' ipsorum B. & E. procreat̄ tunc post decessum pred' B. & E. pred' tenem̄t cum pertin̄ ad præfat' C. & hered' suos integre reuert̄entur quiet̄ de alijs hered' ipsor' B. & E. imperpetuū: Ac iam ex insinuatione R. & K. consang' & hæred' præd' C. accepimus, quod præd' B. & E. iam obierunt, & quod I. filius & hæres eorundem B. & E. obijt sine herede de corpore suo procreato, & etiā W. filius prædict' B. & E. frater & hęres præd' I. iam obijt sine herede de corpore suo exeunt̄. Et quod quædam I. quæ fuit vxor I. W. prædict' manerī de D. cum pertinentijs modo ingressa est, & illud tenet contra formam finis pred'. Et ideo tibi præcipimus, quod per probos &c. scire fac' præfat' I. quod esset coram &c. tali die ostensur̄ si quod &c. quare prædict' manerium cum pertin̄, prædict' R. & K. consanguin̄ & hęred' prędicti C. reuerti non deberet, si sibi videtur expedire, ac proco qd idem K. postea in eadem Curia nostra ven̄ & dic' quod pręd' R. sequeretur executionem finis præd' de medietat̄ manerij pręd' de D. cum pertin̄ versus præd' I. eadem I. tali die ven̄ in cur̄ nostr̄, & dicit q

ipſa tenet manerꝫ prædꝫ de B. cum pertiñ per nom' manerij de R. ex dimiſſion' N. C. &c qd reuerſio inde per mort' prædꝫ I. ad prædict' N. ſpectꝫ ſine quo non poteſt prædꝫ R. de prædꝫ medietate manerꝫ prædꝫ reſpondere, & perijt auxilium de ipſo N. Et ideo tibi precipimus, qd per ꝓbos ſcire facias prefatꝫ N. quod ſit &c. ad reſpondendꝫ prædꝫ R. ſimul cum prædꝫ I. de prædꝫ placitꝫ ſi voluerit. Et habeas &c.

Mittimus del tranſcript del fine, & Scire facias inde.

Dominus Rex mandꝫ Iuſtic' ſuis hoc breue ſuũ clauſum in hæc verba Edwardus &c. (*recitand' totum breue.*) tenor prædꝫ finis vnde in breue prædꝫ fit mentio, (*vel ſic.*) Tranſcript prædꝫ finis, vnde in breue prædꝫ fit mentio, ſequitur in hæc verba. Hęc eſt finalis concordia, &c. *recitãd' totum &c.* Et modo ſcz. tali die iſto eod' termiñ venit hic in Cur' A. ex parte prædict' T. & dicit qd prædꝫ R. mortuus eſt, & ſimiliter qꝫ prædꝫ W. obijt ſine hæred' maſculo de corp' ſuo ꝓcreat', & quod I. in vnum meſ. &c. cum ptiñ, quæ ſunt parcel' manerꝫ prædict', modo ingreſſus eſt, & ill' tenet contra formꝫ finis prædꝫ. Et petit breue Vic' S. dirigend', ad ꝓmuniendꝫ pref. I. eſſendi hic oſtenſ. ſi quid &c. quare eadꝫ meſſuag' &c. cũ ptiñ, q̃ dictus T. clamat in formꝫ prædꝫ, poſt mortẽ prædꝫ W. ꝓf. T. conſang' & hæredꝫ prædꝫ R. remanere non debẽt iuxta formꝫ finis prædꝫ, eo q̃ prædꝫ W. mortuus eſt ſine hæred' maſc' de corpore ſuo ꝓcreat', & ei conceditur returnabil' hic tali die, *vel ſic.* Et ꝓ ſeparalia bria, viz. vnum vicec' dicti com' B. aliud Vic' N. tertium Vic' H. dirigendꝫ, ad ꝓmuniendꝫ eand' I. eſſendi hic, oſtenſur' &c.

Seuerall Scire fac' into ſeuerall counties vpon one fine.

Præcepit fuit Vicec', cum quidam fin' lenaſſet in Cur' dñi reg. &c. die &c. anno &c. coꝝ &c. Iuſtic' ipſius ꝓgenitoris dñi regis nunc de bãco, inter W. & I. vxorẽ eius querent', & I. E. deforc' de vn' meſſuag' &c. cũ ptiñ in L. vnde placitum conuentionis ſumm fuiſſet inter eos in eadꝫ curia, ſcz. qd prædict' W. recognit tenta prædict' cum pertiñ eſſe ius ipſius I. vt illa quæ idem I. habuiſſet de dono ꝓd W. & ꝓilla recognit fine & concordia idẽ I. conceſſiſſet prædꝫ W. & I. ꝓd tenẽt cum ptiñ, & illa eis reddidiſſet in eadꝫ Cur', habend' & tenend' eiſd' W. & I. & hered' ipſius W. de corpore ſuo ꝓcreat', de capital' dñis feodi illius ꝓſeruitia quæ ad prædꝫ tenement' pertinerent imperpetuum, & ſi contingat qd idem W. obiret ſine hærede de corpore ſuo procreat', tunc poſt deceſſum ipſorũ W. & I. prædict' tenementa cum pertiñ integre remanerẽt et I. filio eiuſdem W. & hæredibus de corpore ſuo procreatis tenend' de capitalibus dominis feodi illius per ſeruitia, quę ad prædict' tenemẽta pertinerent imperpetuum. Et ſi contingat quòd idem I. obiret ſine hærede de corpore ſuo procreato, tunc poſt deceſſum ipſius I. prædict' tenementa cum pertinentijs integre remanerent recti hæredibus ipſius W. tenend' de capitalibus dñis feodi &c. vt ſupra: Ac iam ex inſinuatione T. conſang' & hæredꝫ prædict' I. fil' W. acceperat Rex quod

Render to the husband and wife, & to the heires of the body of the husband.

Rem in taile.

Rem. to the right heires.

Scire facias for the heire of him in the remainder againſt the terr tenant.

Scire facias for him in the rem.

idem

idem W. mortuus est sine hærede de corpore suo ꝓcreat', & qd præd' I. Jum obijt, & qd quidam A. tenta prædicta cum ptiñ, modo ingressus est & ea tenet contra form' finis præd', Et quia &c. quod p ꝓbos &c. Scire facias præf. A. qd esset hic ad hunc diem &c. ostensur' si quid &c. quare præd' tenta cum ptiñ, quæ ipse tenet in form' præd', post mortem præd' W. & I. vxor' eius pref. T. vt consang' & her' pd' I. fil' W. remanēr' non debent iuxta form' finis præd', si &c. eo qd præd' W. obijt sine hærede de corpore suo exeunt', &c. Et modo hic ad hunc diem venit tam præd' T. per A. atturnatum suū quā præd' A. p S. atturnatum suū, & vicecom mandauit qd preceperat I. L. balliuo libertatis &c. cui &c. qui idē vic' sic respond', qd scire fecit p̄fat' A. essendi hic ad hunc diem, ostensur' in form' p̄dict' p T. & G. probos &c. Et super hoc præd' T. dicit, q̄ ipse est consang' & hæres præd' I. fil' W. viz. fil' I. fil' Ipsius I. fil' W. &c. & petit versus pref. A. executionem &c.

Et super hoc, prædict' W. H. dicit qd præd' W. frater G. in fine p̄d' nominat' apud S. in com' N. quandam E. P. ad ipsam in vxor' ducend': eademq; E. ipsum W. ad eum in virum habend', insimul affidarunt: Et post banna inter eos p tres dies festiuos à se distantes in Ecclesia &c. publice proclam', fuer' desponsalia inter eos in facie eccles'æ illi' solem' celebrat', infra quæ desponsalia, ijdē W. & E. habuerūt exit' inter se T. apud H. in eod' com' N. genitū & natum. Qui quidem T. apud T. in com' N. in eccles'ia sanct' A. ibid' duxit in vxor' quand' N. ijdemq; T. & N. post sponsalia inter eos ibid' celebrat', habuerunt exit' inter eos quend' H. ibid' genitum & natum, ac idem H. apud dictā villam N. in eod' com' in p̄ed' eccles'ia &c. duxit in vxorem quand' I. ijdemq; H. & I. post spō-salia inter eos ibid' celebrat', habuerunt exitū inter eos præd' W. H. qui nunc sequit' genitū & natum, & sic idem W. H. qui nunc sequitur dic' quod ipse est consang' & hęres præd' W. fratris G. de corp' ipsius W. fratris G. ꝓcr', viz. fil' p̄ed' H. fil' dicti T. fil' eiusd' W. fratris G. & petit versus prædict' R. S. sen' &c. execuc' &c. Cousinage.

Pręc' fuit vic' cum quidam finis leuaset in curia domini E. nup reg. Angl' &c. in oct' &c. anno &c. corā &c. per breue ipsius nuper Regis inter S. P. & I. vxor' eius & S. fil' eorund' S. & I. quer' p E. custodem ip-sius S. fil' eorundem S. P. & I. ad lucrand', & W. P. personam eccles'. de T. & I. H. capellan' deforc', de duobus messuagijs &c. cum pertiñ in T. S. et W. vnde placit' conuentionis fum' fuit inter eos in eadem Curia, sc. qd p̄d' S. P. recogn' tenementa prædict' cum pertiñ esse ius ipsius W. vt illa quæ ijdem W. & I. tunc habuerunt ex dono p̄dict' S. P. & p̄ead' recognitione, fine, & concordia, ijdem W. & I. concess'. prædict' S. P. & I. & S. filio eorund' S. & I. præd' tenemēta cum pertiñ, & illa eis red-diderunt in eadem Curia, Habend' & tenend' eisd' S. P. & I. & S. filio eorun- Fine leuied to one by a gar-dein.

eorundem S. & I. & hæred' ipſius S. filij eorundem S. & I. de corp' ſuo procr', de capital' dñis feodi illius per ſeruitia quæ ad prædict' tenemẽt pertinerent imperpetuum, & ſi contingeret quod idem S. filius eorundem S. & I. obiret ſine herede de corpore ſuo procreat', tunc poſt deceſſum ipſorum S. & I. & S. filij eorund' S. & I. prædict' tenta cum pertin integre remanerent hered' maſculis de corporibus ipſorum S. & I. exeuntibus, tenend' de capital' dominis feodi illius per ſeruitia, quæ ad præd' tenta pertinerent imperpetuum, & ſi nullus hæres maſculus de corpor' ipſor' S. P. & I. foret procr', tunc præd' tenementa cum pertin integre remanẽt M. ſorori pred' S. filie pred' S. & I. & hered' de corpore ſuo procreatis, tenend' de capital' dñis feodi illius per ſeruitia quæ ad pred' tenta pertinerent, imperpet', & ſi contingeret quod eadem M. obiret ſine hered' de corpore ſuo procr', tunc poſt deceſſum ipſius M. præd' tenta cum pertin, integre remanerent I. ſorori eiuſd' M. & her' de corpore ſuo procr', tenend' de capital' dñis feodi illius per ſeruitia q̃ ad pred' tenta pertin' imperpet', & ſi contingeret q̃ eadẽ I. obiret ſine hæred' de corpore ſuo ꝓcr', tunc poſt deceſſum ipſius I. p̃d tenta cum pertin integre rem̃ rectis her' præd S. P. tenend' de capital' dominis feodi illius per ſeruitia quæ ad p̃d tenta pertinent imperpet', ac iam ex inſinuatione I. A. conſang' & her' præd' M. de corpore ſuo ꝓcr', acceperat Rex, qd præd' S. P. & I. mortui ſunt ſine her' maſculo de corporib' ſuis ꝓcr', & pred' S. filius p̃d S. & I. mortuus eſt ſine hær' de corpore ſui procreat', quodq; præd' M. ſimiliter obijt, & quod quidem R. L. & alij, meſ. &c. pred' cũ pertin modo ingreſſi ſunt, & illa tenent contr' form̃ finis predict', et quia &c. ſcire fac' pref. R. L. & al', qd eſſent hic ad hunc diem, ſc. a die &c. oſtenſur̃, ſi quid &c. quare meſ. p̃d cũ pertin, quæ ipſi tenent in form̃ pred', poſt mortem pred' S. P. & I. S. &c. ac pref. M. ꝓfat' I. A. conſang' & her' ipſius M. de corpore ſuo ꝓcreat', rem̃ non debeant iuxta form̃ finis præd', eo qd præd' S. P. & I. mortui ſunt ſine her' maſculo de corpor' ſuis procreat', & p̃d S. fil' pred' S. & I. mortuus eſt ſine her' de corpore ſuo ꝓcr', ſi &c. Et modo hic ad hunc diem ven̄ tam pred' I. A. per T. B. attorn̄ ſuum, quam pred' R. L. & al' p I. K. attorn̄ ſuum, & vic' mand' quod ſcire fecit eiſd' R. L. & alijs eſſendi hic ad hunc diem, oſtenſ. in form̃ præd' p I. C. & alios ꝓbos &c. ſuper quo idẽ I. A. dicit qd ipſe eſt conſang' & hær' præd' M. de corpore ſuo ꝓcr', videlicet fil' I. fil' W. fil' S. fil' pred' M. Et pet' execution̄ de tenement' præd' ſibi adiudicare &c. Et præd' R. L. & alij dicunt, quod ipſi non poſſunt dedicer' finem pred', nec quin præd' S. P. per finẽ illum recogn̄ tenta præd' cum pertin' eſſe ius pred' W. P. vt illa quæ idem W. ac præd' I. tunc habuerunt de dono p̃dict' S. P. nec quin pro ead' recogn̄, fine, & concordia iſdem W. & I. per finẽ illum conceſſer̄ tenementa illa, tenend' præfat' S.

P.

Scire facias for the heire of him in the Rem.

Confeſſion of the fine.

P. et I. S. fil' eorund' S. et I. et illa eis reddiderunt in eadē cur'. Habend' et tenend' eisdē S. P. & I. & S. fil' eor' S. & I. & her' ipsius S. fil' eorund' S. et I. de corpore suo procr'. Ita q; si contingeret, q; idem S. fil' eorund' S. & I. sine hæred' de corpore suo procreat', tunc post decessum ipsorū S. P. et I. et S. fil' eorund' S. et I. predicta tenementa cum pertinētijs integre remanerē hær' masculi' de corporibus ipsorū S. P. et I. exeunt', et si nullus hæres masculus de corporibus ipsorū S. P. et I. foret procreat', tūc tenta pred' cum pertin integre remanerent pfat' M. sorori præd. S. filio predict' S. P. & I. & hered' de corpore suo procr', nec quin pred' S. P. & I. mortui sunt sine hered' masculo de corporibus suis procr', nec quin pd' S. fil' predict' S. P. et I. mortuus est sine hered' de corpor' suo procr', nec quin pred' M. similit' mortua est, nec quin pred' I. A. est consanguin' & heres pred' M. in form' qua idem I. A. sup' suppon', sed omnia & singula præmissa bene concedunt. Ideo cons. est q; prædict' I. A. habeat execu- tionem versus predict' R. L. & al' d' tenemēn prædictis cum pertinēn &c.

Iudgement dauer exec'.

Et modo hic ad hunc diem venit tam prædict' E. in propria persona sua, quam præd' T. B. per V V. atturnatum suum, Et vic' mand' q; scire fecit &c. Et super hoc pred' E. dicit, quod ipse est consanguin et hæres predicti E. videlicet fil' R. fil' I. fil' A. fil' V V. fratris R. patris ipsius E. & petit versus pfat' T. B. execuc' &c. Et pred' T. dicit, q; pred' E. ex- ecutionem, &c. virtute finis præd' versus eum habere non debet, quia dicit quod quidam R. pater ipsius R. patris E. quandam I. R. ad eam in vxor' ducend' ac eadem I. ipsum R. ad eum in virum capiend', apud R. in Comitatu N. ad invicem affidarunt, Et post modum bannis inī ipsos per tres dies festiuos a se diffātes in Ecclesia Parochiali de R. solemnit' proclam', ceteris; que concurrent' in ea parte canonice requisitis, spon- salia inter eosdem R. & I. in facie ecclesiæ eiusdem fuerunt legitime ac solemniter celebrat', infra que spōsalia ijdem R. & I. apud R. predict' habuerunt exitum inter eos ibidem genitum & natum prædictum pa- trem predict' E. ac quendam S. medium, & post ipsius S. nativitatem, prædict' W. in fine pred' nominat', ipso W. iunior', cui predict' E. se fa- cit consanguin', & hær', & predict' R. pater R. & I. postea obier', & præd' R. fil' R. fil' R. habuit exitum ibidem predict' E. & obijt, ipsaque E. po- stea obijt sine hærede de corpore suo exeunte, dicto W. E. viro suo in dicto fine nominato ipsam superuiuente, & ipse W. postea obijt, post cuius mortem prædictam T. & M. in predictum messuagium &c. in predictis villis de E. et M. intrauerunt vt in remanere suo prædicto, & inde seisiti fuerunt in dominico suo vt de feodo talliato virtute finis predict' & obierunt sine hered' de corporib' suis exeunt', post quorum mortem, quidam I. R. vt consanguin & hæres pd' E. viz. fil' S. fratris R.

Sci. fe. return

Cosinage alleged.

Bar q̄ aut' fuit hr' q̄ ētat il ac

patris prædꝭ E. in tenꝫ illa cū pertꝫ intrauit, et inde fuit seisit̃ in domin' suo vt de feod' virtute finis prædꝭ, cuiꝰ quidē I. R. statū prædꝭ T.B. modo habet in eisdem, Et hoc &c. vnde petꝫ &c. si execuc' &c,

Cosinage maintaine.

Et prædꝭ E. dicit, q̄ ipse ab execuc' mes. &c. in prædꝭ villis de E. et M. versus prædꝭ T. hēd, per aliqua ꝓallegata, excludi non debet. Quia dicꝭ q̄ diu ante pd̄ sponsalia int̄ pf. R. patrē R. et I. R. vxoꝝ eius celebrata, idē R. patꝫ ipsius R. ipsam I. ad eā in vxoꝝ ducend' ac eadē I. ipsū R. ad ipsum in virū capiend' apud M. in prædꝭ com̄ B. ad inuicē affidarūt, ac concurrentibus omnibus & singulis de iure in ea parte canonice requisit̃, sponsalia inter ipsos R. & I. in facie eccles. &c. fuerunt solemnit̃ ac legitime celebrata, infra q̄ sponsalia, prædꝭ R. pater R. & I. vx. eius apud prædꝭ villā de M. habuerūt exitū int̄ se, viz. patrē prædꝭ E. et prædꝭ W. in fine prædꝭ nominatum filium suum mediū, cui prędꝭ E. se fac' cōsang' et hær̃, & prædꝭ S. fil̃ suum iuniorē, Absq; hoc q̄ prædꝭ S. fuit fil̃ prædꝭ R. patris R. & I. vxoꝝ eius seniorꝭ prædꝭ W. put̄ prædꝭ T.B. superallegauit. Et hoc &c. vnde petꝫ iudiciū et execution̄ &c. Et prædꝭ T.B. dicit q̄ prædꝭ S. fuit fil̃ prædꝭ R. patris R. & I. vxoꝝ eius seniorꝭ prefꝭ W. in form̄ qua ipse superius alleganit. Et de hoc &c. Et prædictus E. similit̃, & quia Iustic' hic nondum auisantur, an dictus exitus placiti prædꝭ triari debet per hoēs de visu de M. in dicto comitatu E. vel per homin̄ de visu de R. in dicto Comitatu W. aut per homines vno visu & alio, dies datus est partibus prædꝭ ad audiend' iudicium suum, hic in Oct̄ ab' Hil̃ &c.

Venue.

Cosinage alege in sci. fac'

Et super hoc prædꝭ W. L. dicit quod ipse est consang' et hæres prædꝭ M. videlicet fil̃ I. fil' I. fil' I. fil' ipsius M. geniti et nati apud T. in Com̄ N. inter I. L. de T. quondam virum prædict' M. & ipsam M. post̄ sponsalia inter eos ibidē celebrata, & petit versus prædꝭ W. & A. execuc', &c. Et prædꝭ W. & A. non cogn̄ aliqua in br̄i prædꝭ per prædꝭ W. L. prædallegata contenta, ac protestando q̄ ipsi ad genitur̄ & natiuitat̄ prædꝭ I. fil' M. tam suspecta extra modum & tempus superius allegat̄ necesse non habent nec per legē t̄r tenentur respondere, protestand' etiam q̄ prædꝭ M. primo cepit in virū quēdꝭ I. L. de M. qui quidem I. & M. habuerunt exitum inter eos quend' I. idemque I. postea obijt sine hær̃ masc' de corpore suo et corpore prædꝭ M. procreat̄, pro plac' dic' quod prædꝭ W. vt consang' & hær̃ prædꝭ M. execuc' prædꝭ manerij de W. cum pertin̄, vnde &c. vlr̄ finis prædꝭ versus eos habere non debet, quia dicit, q̄ diu post̄ mort̄ prędꝭ I. L. de M. & ante aliqua sponsalia inter prædꝭ I. L. de T. & M. habit̄ seu celebrat̄, tā I. de H. præf. M. ad ipsā in vxoꝝ, quam eadē M. ad ipsum I. ad eum in virū habend', apud C. in Com̄ S. insimul affidarunt, ibidemque post̄ banna inter eos in eccl̄ &c. per tres dies festinos a se distant̄ solem̄pnia, fuerunt desponsalia inter ipsos I. de H.

&

& M. in facie eiusd Ecclesiæ celebrat, et ipsi ibidem legitim' matrimonio copulati, infraque desponsalia tota vita ipsius I. de H. ibidem continuata, & ante aliqua sponsalia inter præd. I. L. de T. & M. habit seu celebrat, pdict I. de H. & M. habuerunt exit inter eos quendam N. apud C. prædict' genitum & natum, & sine prædict' in forma pdict leuauit, & prædict' A. quæ fuit vxor W. postea obijt, post cuius mortē pdict I. de H. & M. fuerunt seisiti de pdicto manerio de W. cum pertin in dominico suo vt de feodo talliato, feodo & iure simplici in psona ipsius M. quiescente virtute ipsius finis pdict, et de tali statu inde obierunt seisit, & de ipsis I. de H. & M. descend idem maner de V V. cum pertin eidem N. vt fil' & hered ipsorum I. & M. Qui quidem N. in manerū illud cum pertinentijs intrauit, & inde fuit seisitus in dominico suo vt de feodo talliato feodo & iure simplici inde in persona ipsius N. vt fil' & hered ipsius M. quiescent per formam finis prædicti, & habuit exit quod H. apud C. prædict' genitum, & obijt, & de ipso N. descend prædict' manerium de V V. cum pertinentijs vnde &c. idem H. vt fil' & hered eiusdem N. qui quidem H. in manerium illud cum pertin intrauit, & inde fuit seisitus in dominico suo vt de feodo talliato, feodo & iure simplici inde in persona ipsius H. quiescente per formam finis prædict', & sic inde seisitus feoffauit quosdam I. & B. &c. de eodem manerio cum pertinentijs, habend eis, & hæred suis imperpetuum, virtute cuius &c. in eod, quorum quid I. &c. statum prædict V V. & A. modo habent in eodem manerio, &c. & hoc &c. vnde petit iudicium si prædict' V V. L. executionem eiusdem manerij de V V. cum pertin, virtute finis prædicti versus eos habere debeat, &c. Et prædict V V. I. non cognoscunt aliqua p præfat V M. & A. pr̃allegata esse vera, in modus vera & imaginata, & protestando etiam qd genitur & natiuitas prædict I. L. fil' M. p̃ipsis V V. L. in dicta declarac' sua de consanguinitate quo modo est cōsang' & hæres ipsius M. contenta sunt & fuerunt vere & legitime & non suspecte in lege data, prout per diuersa recordā tam in Cancellar coram Cancellario, & in Scaccario coram Baronibus, quam in Thesaurar Regis inde recordando placit armorum coram nup̃ Christabulario Angl tenus residen, necnon & quamplura euidentia, munimenta vera, iusta, & sufficien, ac pro talibus in lege approbata & confirmata plene liquet, Pro placito dic', q̃ ipse ab executione dicti manerij de V V. cū pertin virtute finis prædict habend penaliqua per pd V V. & A. inde p̃allegat, excludi non debet, quia dicit qd prædict I. L. de M. & prædict I. L. de T. fuerunt vna & eadem persona & non diuerse persone, & qd idem I. tota vita sua, tam per nomen I. L. de T. quam per nomen I. L. de M. nominatus & cognitus fuit, quodque dict' sponsal inter prædict I. L. de T. & M. concurrentibus prius, q̃ in ea parte de iure canonic̃ requirebant, apud prædict villam de T. in facie Ecclesiæ parochialis ejusdem

obiit villæ

ville fuer solemniter celebrata infra quæ sponsalia ijdem I.L. & M. habuer exitum inter se prædict I.L. fil' & hered' præd M. ibid' genitum et natum, in forma qua pted' I.L. per dictam declarac', consang' prædict supponitur, quæ quidem sponsalia inter ipsos I.L. & T.M. sic celebrat ibidem coniugium fuer eor' vita eiusdem I. & post mortem eiusdem I. prædict M. cepit an virum pred' I. de H. ablq; hoc qd præd' desponsalia inter præfat' I. de W. & M. per pred' W. & A. preallegat' habita seu celebrata fuerunt ante dicta sponsalia inter prædict' I. I. de T. & M. celebrat' prout idem W. & A. superius allegarunt, & hoc &c. vnde petit iudicium si executionem &c. Et pred' W. & A. dicunt, quod prædicta desponsalia inter pred' I. de H. & M. per predict' W. & A. prædallegata, habita & celebrata fuerunt ante dicta desponsalia inter prædict' I. I. de T. et M. celebrata in forma qua ijdem W. & A. superius allegar', & de hoc ponunt se. Et pred' W. similiter, Idem pred' est tam vic' N. quam vic' S. quod &c.

Barte que le demandant fuit nec hors de les espousals.

Et pred' P. dic', qd præd' W. execuc' versus eum habere non debet quia dicit quod, vbi pred' W. per breue suum prædict' supponit' & asserit se fuisse filium & hered' idem præd' I. idem W. natus fuit extra omnia sponsalia, & hoc paratus est verificare, vnde petit iudicium si prædict' W. versus & heredes prædict' I. seu alterius cuiuscunque &c. versus eum habere debeat, &c. Et prædict' W. dicit quod prædict' T. pater suus habuit quandam vxorem sibi desponsat' A. nomine, de qua ipse natus fuit infra sponsalia inter eos T. & A. celebrata, & hoc paratus est verificare, vnde petit iudicium si &c. Et executionem sibi adiudicari &c. Et pred' P. dicit, vt prius, quod pred' W. natus fuit extra omnia dicta sponsalia, & non infra sponsalia pred', prout pred' W. superius allegauit. Et de hoc ponit se super patriam. Et prædict' W. similiter. Iuror duodecim &c.

Borne before marriage.

Et prædict' I. P. & A. non cogn' quod ipsi, qui fuerunt partes finis prædict', nec aliquis eorum vnquam aliquid habuerunt vel habuit in tenis & aduocation' in pd' fine content', dic' qd præfat' R. vt filius & heres pd' W. execuc' de ten' & aduocation' versus eos habere non debet. Quia dic' quod idem V.V. cepit in vxor' quandam M. quæ quidem M. desponsata fuit eidem V.V. apud E. in com' S. & ibidem desponsalia inter eos celebrata fuerunt, & dic' quod idem E. natus fuit apud C. in com' S. ante desponsalia. Et hoc paratus sunt verificare per patriam de prædict' com' S. & qualiter Curia hic consulet. vnde petit iudicium si idem E. execuc' de ten' & aduocac' pred', vt fil' vt her' pred' E. in hac parte versus eos habere debeat, &c. Et pd' E. non cogn' aliqua per pd' I.P. & A. superius allegat' dic' quod ipse per aliqua p allegat' ab executione de ten' & aduocac' præd' virtute finis pred' precludi, siue repelli non debet, quia dicit qd præd' V.V. pater ipsius cepit in vxor' præd' M. viz. apud M. in

dicto

dicto Com E. ibid' desponsalia inter eos modo legitimo & secundum
forum ecclesiasticum celebrat fuerunt, & dicit qd ipse ibid' infra de-
sponsalia alia inter ipsos V V. & M. celebrata natus fuit & procr' et hoc
&c. per patriã de præd' com' E. et qualit' cur' hic cons. vnde pet' iudiciũ
et execution &c. et præd' I. P. &c. dic' q̃ præd E. natus fuit apud C. in
præd' com S. ante desponsalia inter præd' V V. & M. celebrat, et hoc vt
prius paratus fuit verificare per patriã, et qualiter cur' hic cons. &c. Et
præd' E. dicit q̃ ipse natus fuit & procr' fuit infra desponsalia inter pd
V V. et M. celebrata, videlicet apud M. in prædict' com E. et hoc vt pri-
us paratus est verificare per patriã præd' com E. et qualitercunq; Cur'
hic cons. & quia videtur Curiæ hic q̃ exitus placiti præd' per homines
de vtroque Com præd' triari debet. Ideo prec' est vtrisque vicec' Com Triall.
præd' quod vterque eorũ venire faciat hic tali die, duodecim, &c. per
quos, &c.

Rex I. ead' gratia L. Episcopo salut', cum I. M. filius P. fratris G. B. in Briefe al eueske to certifie bastardie.
Curia nostra coram nobis q̃ quod breue nr' vnde sci. fac. quosd' I. A. &
P. G. de quodam mes. cum pertin' in P. implicauerit, ipsiq; I. A. & P.
iuxta debit' premunie' virtute dicti breuis nostri fieri fact', coram nobis
comparentes allegauerunt ipsum I. fore bastard', hoc pretendendo ve-
rificare, et quia huiusmodi causæ cognitio ad forum mere spectat eccl'
vobis mandamus, q̃ vocat' coram vobis, quos in ea parte fore viderit
euocand', diligent' inde faciat inquisitionem, et plenariam veritatẽ ind'
per literas vestras sub sigillo vestro sigil' nobis in oct' &c. vbicunque
tunc fuerim' in Angl', reddat certiores, et hoc breue nobis nunc remitt',
Teste, &c.

Et modo hic ad hunc diem venit tam præd' I. B. per B. atturn' suum, Return Seire facias.
q̃ prædictus I. H. in ppria persona sua, & vic' mand' q̃ scire fecer' eid
I. H. essendi hic ad hunc diem, &c. ostensur' in form' præd' per N. B. &c.
probos &c. & super hoc præd' I. E. petit versus præd' I. H. exec' &c.
Et pd I. H. dic' q̃ pręd I. B. execuc' de mes. pręd' cum pert' virtut' finis I. to whom the plain. maketh himselfe heire was seised, whose estate the tenant hath.
præd' versus eũ habere non debet, qua dicit quod ead' I. fuit seisita de
eisdem mes. cum pertin' in dominico suo vt de feodo talliato vsq; finis
illius, cuius quid I. statũ præd' I. H. modo habet in mes. illis cum pertin',
et sic dicit quod finis præd' executus fuit in persona præd' I. per
seisinam suam virtute finis illius, & hoc par' est verificare, vnde petit
iudic' si præd' I. B. execuc' mes. præd' cum pert' virtute finis prædict' in
form' præd' executi in hoc casu versus eum habere debeat, &c. et præd'
I. B. dicit q̃ ipsa ab execuc' mes. præd' cũ pert' versus præf. I. H. hat' ed
peraliqua per alleg' exclud' non debet. Quia dic' q̃ præd. I. non fuit sei-
sita de præd' mes. cũ pert' virtute finis præd' in forma qua præd' I. H.
super allegauit, et hoc pet' q̃ inquir' per patr', & præd' I. H. simil', Ideo
&c.

Et prædict' T.R. quoad octo acr' bosci cum pertinentijs in prædict' villa de H. vnde executio modo secuta est versus eum, dicit quod prædict' R. vt H. qui fuerunt partes finis prædict', tempore leuationis eiusdem finis nunc, seu post, nihil habuerunt in eodem bosco cum pertinentijs vnde &c. vt de libero tenemento, immo quidam I. M. tunc fuit inde seisita in dominico suo vt de feodo, cuius quidam I. statum inde, prædict' T.R. modo habet, & die impetrac' prædict' breuis de Scire facias habuit in bosco illo cum pertinentijs, & hoc paratus est verificar', vnde petit iudicium si prædict' P. fil' P. executionem earund' octo acrarum bosci cum pertinent' virtute finis prædict' in hoc casu versus eum habere debeat, &c. Et quoad pd centum solidatos redditus cum pertinentijs in eadem villa de H. vnde executio similiter modo secuta est, idem T. vlterius dicit, quod ipse nó est inde tenens, perceptor neque deforc' redditus illius cum pert', neq; tenens tenementorum, vnde idem redditus illius cum pertinentijs, prouen' vt de libero tenemento, nec fuit die impetrac' prædict' breuis d scire facias aut vnquá postea, Et hoc paratus est verificare, vnde quoad redditum illum cum pertin' per iudicium de breui &c. & prædict' P. fil' P. quoad dictum redditum centum solid', dicit q die impetrationis brevis sui de Scire facias &c. die, &c. anno, &c. prædict' T.R. fuit tenens vt de libero ten' de viginti acris terræ cum pertinentijs in prædict' villa de H. vnde reddit ille cum pertinentijs prouenit. Et dicit quod idem T. tunc fuit deforc' eiusdem redditus cum pertinentijs vt de libero tenemento, put pidict' breue supponitur. Et petit suo periculo executionem eiusdem redditus cum pertinentijs versus eum audicari, &c. Ideo, &c. quoad redditum illum cum pertinentijs, consideratum est quod prædict' P. fil' P. habeat inde executionem suo periculo versus præfat' T.R. virtute finis prædict', &c. Et quoad prædict' octo acras bosci, cum pertin' vnde &c. idem P. fil' P. dicit, quod tempore leuationis finis prædict', prædict' T. & G. qui fuer' partes finis illi fuerunt seisiti de eodem bosco, cum pertinen' vnde &c. in dominico suo vt de feodo, &c. prout per eundem finem supponitur. Et hoc petit q inquirat per patriam et prædict' T.R. similiter, Ideo quoad hunc exitum, &c.

Scias q consideratum est in Curia nra, &c. q P.B. filius & hæres P.B. habeat executionem versus T.R. de centum solid' redditus cum pertin' in H. virtute cuiusdam finis inde leuat' in Curia domini E. quondam Regis, &c. apud W. in oct' &c. ann', &c. coram W.B. & socijs suis tunc Iustic' eiusdem &c. de Banco inter R. &c. quer', & T.P. & B. vxorem eius deforc', de redditu prædict' cũ pertinen', ac de alijs terris & tenementis in eodem fine contentis per defalt &c. Et ideo tibi præcipimus, quod eidem P. de reddit prædict' cũ pert' sine dilatione plenar' executione & seisinã habere facias T. &c.

Scias quod consideratum est in Cur' &c. quod R. filius & hæres R. habeat seisinam

nam & execu' versus R. D. de manerio de A. cum ptin̄ in com̄ suo per defalt predict̄ R. virtute notæ cuiusdam finis nuper leuati in curia p̄d̄ R. nuper Regis, &c. apud W. à die &c. anno, &c. coram R. B. & socijs suis Iusticiarijs prędict̄ nuper Regis de Banco, & postea in oct. &c. anno, &c. ibidem concess. & recordat̄ coram eisdem Iusticiarijs & alijs eiusdem nuper regis fidelibus tunc ibi præsentibus, inter R. de A. &c. quer̄ et I. de S. et E. vxor̄ eius deforcian̄t, de manerijs de O. & R. cum pertinentijs in com̄ N. et de predict̄ manerio de A. in comitat̄ tuo et ideó tibi præcipimus, quod eidē R. fil' R. de prædict̄ manerio de A. cum pertineñ sine dilatione plenar̄ seisinam et executionem habere facias. T. &c.

Habere facias seisinam sur recouery sur defalt in Scire facias.

Postea die et loco, &c. venit R. W. infranominat̄ in propria persona sua et W. N. infranominat̄ soleniter exact' non venit, sed I. vxor̄ eiusd̄ W. infranominat̄ in propria persona sua venit, et dicit qd mańia infra specificat̄ sunt ius ipsius I. et quod ipsa parata est ostendere, quod p̄d̄ R. W. execuc' de manerijs illis virtute finis infrascript̄ habere nō debet vnde ex quo venit ante iudicium redd̄ parata præf. R. inde respondeř et ius suum defendeř, peť quod ipsa per defalt̄ p̄f. W. viri sui nō amittat inde ius suū, sed q̄ admittat inde ad defensionem iuris ipsi' I. Ideo &c.

Recite of a feme couert vpon her husbands default.

Certaine Causes of the nature and forme of a Sci. Fa. vpon a fine.

And a Scire fac' to execute a fine, must agrée with the fine, & then it is not materiall, if one thing be twise demanded thereby, as a manor, and a hundred parcell of the same manor, 27. H. 8. 2.

Sect. 179. Surplusage.

A Scire facias may be sued vpon the note of the fine, before it be ingrossed by the Chirographer, 22. H. 6. 13.

Vpon the note.

But of a fine leuied before time of memorie, a man shall not haue execution by Scire facias, 1. E. 4. 6. Contr̄ 16. H. 7. 9.

A fine before memorie.

Where a fine executory is leuied of a Seignorie, if the land escheat or the tenant be forejudged, &c. the Cognizée shall haue a Scire facias of the land in lieu of the seruices, 48. E. 3. 11.

Of land in lieu of the seruices.

A Mittimus maketh no mention whether the fine be ingrossed or no, but, cum quidam finis leuasset &c. 22. H. 6. 13.

If a fine be leuied to A. in taile, the remainder to B. in taile, the remainder to C. in fée: And the record is sent into the Chancerie, and the first tenant in taile dieth without issue, and the record commeth backe into the Bench by Mittimus, at the suit of him in the first remainder, and thereupon he had a Scire facias to execute the fine, and died without issue before execution had, he in the remainder in fée shall not hereupon haue a Scire facias, without a new commandement, because the record was once out of the Court, and came againe at the suit of him in

the first remainder, vnto who he in the remainder in fée is an estrang. yet the issue of him, which remoued the record, in this case might haue a Scire facias, without any new commandement, because he is priuie, 14.H.7.16.9.E.4.15.11.E.4.13.

If to sue a Scire fac' to execute a fine, and the one dieth, the suruiuor shall haue a Scire fac' without any new commandement, 1.E.4.13.

But if diuers persons, as heires vnto A.B. pray a Scire fac' it is not grantable, vntill they haue sued seuerall writs to the Iustices of the bench, commanding them to make execution, 11.E.4.13.T.21.E.4.

Coment cosin & heire.

In a Scire facias to execute a fine, as cosin and heire to him in the remainder or reuersion, after the death of the particular tenant, the plaintife néedeth not to shew how cosin and heire, so long as the plea hath continuance, by Idem dies, &c. giuen to the tenant, nor at his appearance, nor vntill the plaintife pray execution: And then the coment cosin & heire, is to be entred thus in the Roll only: Et prædictus I. dicit quod ipse est consanguineus & heres I.W. videlicet filius, & heres T.W. fratris et heredis eiusdem I.W. 33.H.6.54.41.Ed. 3.13. & 14. 8.H.4.31.

Bastardy.

In Scire fac' by him in the remainder vpon an estate taile vers A.B. supposing the donée to be dead without issue, if A.B. plead that he is issue to the donée, and the plaintife replieth that he is a bastard, it is a good eplication, 40.E.3.16.

Vpon estate executed.

Scire facias vpon a fine leuied to L.R. & W. and to the heires of the bodie of R. the remainder to the right heires of the said W.L. died, and R. died without issue, and W. suruiued and dies, his heires need no Scire facias to execute this fine, because it is executed in his life, by the vnion of the fée and franketenement in W. 40.E.3.20. And so if a fine be leuied to a baron and feme, and to W. & his heires, and he dieth, and then the baron & feme do die, the fine is executed for one moitie in the life of W. Fitzh. Scire facias 19.43.E.3.9.24.E.3.57.

Tenant for life in Scire facias had aide of him in remainder, 41.E.3. fol.16.& 20.22.E.3.12.

Hyde.

In Formedon in reuerter or remainder, the demandant must mention the death of euerie one, which had estate and suruiued his ancestor, but not so in a Scire facias sur fine, 42.E.3.19.

Death shewed

Seuerall estates.

If the plaintife haue seuerall estates, created by one fine, he néedeth but one writ of Scire fac', 43.E.3.11. though it be of seuerall things against seuerall tenants, 12.H.4.15.21.E.3.14.24.E.3.25.

Default.

If in a Scire facias the Shiriffe returne, the partie summoned, and he appeare not, execution shall be awarded, 43.E.3.13.

Reuersion.

If a fine sur cognisance de droit come ceo, &c. be leuied of a reuersion by the name of the land, it is not executory, 43.E.3.15.

If

If the seruices escheat after a fine leuied of the seigniory, the Cognisee shall haue execution of the land escheated, 48. H. 3. 11. Seigniorie.

A Scire facias lieth sometimes of things not comprised in the writ: as if in a fine sur releas, the Cognisee render rent in taile, 48. E. 3. 8. Of things out of the writ.

If land be giuen by fine for life, the remainder to baron and feme in taile, and the Baron dieth, and then the tenant for life dieth, and the feme entreth, the fine is executed, so as their issue needeth no Scire fac' 49. E. 3. 12. Execution by entry of him in remainder.

Scire facias lieth for the donor in taile against any that abateth after the death of the donee in taile by fine without issue, 22. E. 3. 12. Of a reuersion

Upon generall Nontenure pleaded, the plaintife may take execution at his perill: But speciall Nontenure seemeth a good plea, 7. H. 6. 25. Nontenure generall or speciall.

A man shall not haue execution vpon nihil returned, because the tenant may be summoned in the land demanded, 24. E. 3. 25. Nihil returned

If a fine be leuied to husband and wife in taile, the remainder to his right heires, and they hauing issue, the husband dieth, the wife hath issue by another husband and dieth, the issue by the first husband entreth and dieth without issue, and his next heire entreth, as into the remainder in fee, against whom the issue by the second husband bringeth a Sc' facias, and recouereth by reason that the fee could neuer execute in possession in the elder brother, during the state taile, 24. E. 3. 30. and 62. Demy sank.

Feoffement with warranty from the plaintifes ancestor, is a good plea in Scire facias vpon a fine, 22. H. 6. 39. Feoffement.

The heire shall haue his age in Scire facias Contr̃ Westm̃ 2. ca. 45. 24. E. 3. 28. and 60.

What fines with proclamations barre not the issue in taile.

NO fine leuied by tenant in taile barreth his issue maintenant, but where the tenant in taile is cognisor, as if tenant in taile bring a writ of couenant against an estranger, and he recognize the land to be the right of the tenant in taile, as that which he hath of his gift, etc. and the tenant in taile grant and render the land to the cognisor for yeares, yelding rent, etc. and die, this fine is void against the issue in taile, M. 10. and 11. Eliz. Dyer fol. 279. p. 7. 36. H. 8. Br. fines 118. Sect. 180.

A fine with proclamation leuied by tenant in taile, the reuersion or remainder being in the king, bindeth not the issue in taile, as it seemeth Br. fines 121. But if such lands were intailed by the king, such fine barreth not the issue in taile, 32. H. 8. cap. 36.

If an Estranger leuy a fine to tenant in taile sur cognisance de droit come ceo que il ad de son done, and he render to him a rent in fee, and die after proclamation, yet the issue in taile may auoid it, for he is remitted, and the rent is another thing then the land, 25. Eliz. Plo. fol. 435. b. per Thornton.

If tenant in taile of an aduowson, grant and render by fine the nomination of the Clerke, it is void, 15. Eliz. Plo. f. 435. b. per Thornton.

If tenant in taile of a rent disseise the tenant of the land, and leuy a fine with proclamation of the land, the issue in taile is not barred for the rent, because the fine was not leuied of the rent but of the land, per Thornton, and granted 15. Eliz. Plo f. 435. b.

If tenant in taile grant a rent by fine, his issue may auoid it. 15. El. Plo. 436. 14. Ass. p. 4.

What time after a fine leuied, and proclamation made, any man hath to enter or claime by action, or otherwise, and who are thereby barred forthwith, and who not.

Hitherto of the formes and execution of fines, now let vs see how they may be auoyded.

Sect. 181.

TO know what time persons that haue cause to enter or claime, may enter or claime, after a fine leuied, many things are to be weighed: for some persons haue more time, and some lesse: for the dissolving of which question, we must not onely consider the qualities of the persons which should claime or enter, but also the qualitie of their rights and estates: And the persons be either such as are void of impediments, or such as haue impediments: and the same be either parties, or privies to the fine, or strangers to the same: And againe, they haue either present right, or future right: And vnto those which haue future right, such haue the same, either wholly after the fine, or partly before and partly after: and some of them haue but one title, and some diuers: and others haue no right to the tenements compriſed in the fine, but to some things therein, or issuing out of the same.

Parties.

Parties to fines, void of impediments at the time of the leuying of the same, and their heires, are thereby barred presently, and haue no time at all to auoid the same, by entry, or claime, 1. R. 3. ca. 7. 4. H. 7. ca. 24. whether they be persons hauing naturall capacities, or ciuill.

If they be such ciuill bodies or corporations, as haue in themselues absolute estate and authoritie of their possessions, so as they may maintaine a writ of right thereof, as Maior and Commonalty, Deane and Chapter, Colledges, societies corporate, and such like, and their successors, and barred by fines presently, Plo. 538. a. T. 20. Eliz.

But Deanes, Bishops, Priors, Abbots, Maisters of hospitals, Parsons, Vicars, Prebendaries, Chauntie Priests, and such like, which may not haue a writ of right, but either a Iuris vtrum, Fitz. Nat. fol. 48. or sine assensu capituli, Fitz. Nat. fo. 119. are not barred by such fines if the patron and ordinary ioyne not with them, Plo. 538. a. 20. Eliz. 375. b. 11. Eliz.

How priuies in blond are bound in fines.

And by the same statutes 1.R.3.c.7. 4.H.7.c.24. Priuies in blond as heires of the cognisors, claiming by the same title that their ancestor had that leuied the fine, bee barred presently thereby, whether they be void of impediments, or no. As if land of Socage tenure be giuen to baron & feme, in speciall taile, the remainder to the right heires of the baron in fée, and the baron sole leuieth a fine with proclamation to his owne vse in fée, and after deuiseth the same lands to A. in fee, and hath issue, and then the baron and feme die, the issue in title is barred, because he cannot otherwise conuey himselfe to the taile and descent in taile, than the heire of the bodie both of his father and mother, Tr.18. Eli.Dyer.f.251 p.24.9.H.8.Dyer f.3.p.6.32.H.8.Br.Fin.109. Sect. 182. Priuies.

So if husband and wife, tenants in speciall taile, haue issue, and the wife die, and the husband marrie another wife and haue issue, and leuie a fine sur cognisance de droit come ceo, &c. and by the same fine take estate in speciall taile, the remainder ouer &c. and die, the issue by the first wife is barred, because he is priuie in blood, the continuance of the possession in the husband notwithstanding, 32.E.3.Dyer pl.16.Eli.f.354. p.32.& 32. Priuies.

But if my fathers brother disseise him, and leuie a fine with proclamation, and my father and vncle within 5 yeares after proclamation die, yet may I auoid it by entry, at any time before the end of the said 5 yeares, notwithstanding that I am priuie in blond vnto my vncle, for that my title to the land groweth by my father, and not as heire vnto my vncle, P.19.H.8. Dyer f.3.p.3. Priuies.

Neuertheles, if my father disseise my grandfather of an estate in fée, & therof leuie a fine with proclamation, & first my grandfather, and then my father die, I am now barred, as priuie, because I cannot otherwise conuey my selfe to the lands than as heire vnto my father the cognisor, P.19.H.8.Dyer f.3.p.3.

Of estrangers hauing present right, and no impediment.

But Estrangers to fines (which be all persons, not parties nor priuies) and being void of impediments naturall and legall, & hauing present right to the lands in the fine, haue only 5 yeres after proclamations, to enter and claime their right, 1.R.3.c.7. 4.H.7.c.24. Sect. 183.

As if one haue a remainder, or a reuersion, depending vpon an estate for yeres, or by statute Staple, statute Merchant, or elegit, and the termor be disseised, and a fine leuied &c. and 5 yeres passed, they be all barred thereby: for that these termors might presently haue entred, & he in the reuersion or remainder for such disseisin might haue had an aisise: So the statute 4.H.7.c.24. seemeth to barre the termors through negligence, by this word interest, which comprehendeth a terme, Pl.f.374.a. Tenant in remainder or reuersion vpon estate for yeres or at will.

And if a tenant in taile be disseised, and a fine leuied with proclamation, and v. yeares past, and the tenant in taile dieth, the issue in taile is bound for euer, p Dyer and Catlin, for the right was present to the tenant in taile at the time of the fine leuied, and he cannot claime, but by the same title, which his father had, which was barred in his life time, Plo. fol. 374. a. Dyer. fo. 3. pl. 6. 19. H. 8. 7. The like it is of the laches of him in the remainder or reuersion, for it barreth him and his heyres, Plo. fol. 374. a. Dyer. fol. 3. P. 6.

Of Estrangers hauing present Right, and impediment.

Sect. 184. BVt Estrangers, to fines, pestered with impediments of Infancie, couerture, madnesse, ideocy, lunacy, imprisonmennt, or absence out of the Realme at the leuying of fines, and hauing then present right, or interest, haue yet liberty fiue yeares after such infirmity remoued to make entrie or claime &c. 1. R. 3. c. 7. 4. H. 7. ca. 24.

Infants. And therefore an Infant hath v. yeares, after he accomplish his full age (though he be in his mothers womb) Plo. f. 367. a. because the law intendeth that infants by reason of their tender yeares, doe want vnderstanding, to know their right, and whether their entries be lawfull or no, And how to make their entries and claims, or bring their actions according to their title, Plo. fol. 359. 4. H. 7. c. 24.

Yet if my fathers brother disseise him, and leuie a fine with proclamation, and a yeare after the proclamation my father dyeth; And after and within 5 yeares my vncle dieth, I by reason of my infancie haue onely so much time to auoide the same, as at the death of my father remained to come of the fiue yeares next after the proclamation, and not new fiue yeares, because I claime by the same title that my father had, in whom the first fiue yeares were attached and begun, Dyer f. 3. pl. 2. In like maner, and for the same reason, if the father, or ancestor bee disseised, and the disseisor leuie a fine with proclamation, and within fiue yeares after the proclamation, the ancestor dieth, his heir being within age, yet if he make not his entrie, or claime within the first fiue yeares after the proclamation, hee is barred, Plow. f. 367. b. 377. a. And it is there adiudged.

Non sanæ memoriæ. Madmen, and lunatickes, estrangers to fines, haue the like libertie to enter or claime, that Infants haue for their indiscretion, 1. R. 3. c. 7. 4. H. 7. c. 24. Yet as it seemeth, if non sanity of memory happen after the fine leuied, and before the last proclamation be made, the parties be not tied to make claime or entrie, during the first 5 yeres, but shal haue 5 yeares after they be cured of their said maladies, because they grow by the act of God, Plow. fol. 375. a. & 366. a.

Couerture. And a feme couert, being an estranger to a fine, hath fiue yeares after she be discouert, to pursue her right, for that during the couerture she

the wanted power to do the same without her husbands consent, who perchance would neither doe it, nor suffer it to be done: Howbeit if a feme sole being an Estranger to a fine, and haue present right, &c. take a husband, who suffereth the fiue yeares to incurre, she is therby barred for euer, because it was her own voluntary act and folly to marry such an husband. Plo. fol. 336. a.

Imprisonment

Estrangers to fines, imprisoned at the time of the fine leuied, haue the like liberty to auoid fines that infants haue, because the law intendeth, that prisoners are so closly and straitly kept from the conference of others, that they know not what happeth abroad: & do also want liberty to take counsel, and make their entries and claims, and therefore no laches is in this behalfe imputed to them. Pl. f. 360. a. & 366. a. But if such imprisonment happen after the fine leuied before the last proclamation made, it seemeth he shal haue fiue yeres after his inlargement, because the imprisonment is not his voluntary act, Pl. 375. a. 366. a.

Out of England.

An Estr. to a fine, being out of the realme at the leuying thereof, hath fiue yeres after his return to enter or claim. But if he had bin in Engl. at the leuying of the fine, and after had gone beyond the seas, and suffered the fiue yeres after proclamation to passe, he had bin barred, Pl. f. 366. a. 7. El. 4. H. 7. c. 24. But if he be sent beyond the seas in the kings seruice by his commandement, it seemeth otherwise.

Corporations.

And such ciuil bodies or corporations as haue in themselues absolute estate and authority of their possess. so as they may maintaine a writ of Right thereof, as Maior and comminalty, Deane and chapter, colledges, societies incorporate, and such like, they and their successors, are barred by fine and nonclaime by fiue yeres, Plo. f. 538. T. 7. 20. Eliz.

Corporations.

But Deans, Bishops, Priors, Abbots, masters of hospitals, Parsons, Vicars, Prebendaries, Chauntry Priestes, and like like, hauing ioint power, and which may not haue a writ of right, but either a Iuris vtrum, Fitz. Nat. f. 48. r. or, sine assensu capituli, Fit. Nat f. 118. i. are not barred by such fines, and nonclaime by fiue years, Plo. 538. a. 20. Eliz. 375. b. 11. Eliz.

Of Estrangers hauing diuers defects.

Sect. 185.

AND moreouer, estrangers to fines, hauing diuers defects or infirmities, as infancy, coueture, nonsanitie of memorie, imprisonment, absence out of the realme, to auoid fines, must haue fiue yeares after the last of the said infirmities removed, Plo. 375. a.

But if they haue diuers impediments, which be all, once after ỹ proclamation, wholy removed, and after they fall into the like again, & die, their heires are not to haue new 5. yeres, but the first 5. yeres begun in their ancestors, immediatly after their first impediments so removed, shall proceed, & nonclaime of their heires, during all the residue of the

said fiue yeares, binding them as their said ancestors should haue bene bound thereby, if they had remained void of such impediments during all the said fiue yeares. Plow.f.375.a.

Of Estrangers, without impediments, hauing future right for cause precedent.

Sect.186. THus much of Estrangers to fines, hauing present right, now of such as haue future right: which right is of two sorts: for it groweth either wholly before the proclamation, or partly before, and partly after the same.

And therefore Estrangers to fines, void of the said impediments, whose right, title, claime, or interest first groweth, remaineth, discendeth, or commeth to them after the proclamation, by force of any matter or cause had or made before the same, haue onely fiue yeares, after such right, &c. first groweth, discendeth, remaineth, or commeth vnto them, 1.R.3.c.7.4.H.7.c.24. As if a Mortgagée be disseised, and the disseisor doth leuie a fine with proclamation, and the fiue yeares after the proclamation the mortgagor payeth or tendreth the money according to his bargaine, he may lawfully enter at any time within fiue yeares after the said payment or tender, because his title first accrueth thereby after the proclamation, by reason of the condition and mortgage made before the same, Plow.fol.378.a.b.

In like maner, and for the like cause, he which hath a Remainder or Reuersion, depending vpon an estate of freehold, hath fiue yeares, after that his remainder or reuersion accrueth, to enter, &c. And his heire if he die before entrie, &c. hath only fiue yeres, after the death of the particular tenant to enter, Plow.fol.374.a.b.

And if the tenant in taile leny a fine with proclamation, after the fiue yeres he dieth without issue, the donor hath fiue yeares after his death, to bring his formedon in Reuerter, because he is the first vnto whom the right commeth after the proclamation for cause precedent, Plow.fol.374.a.

And if tenant in taile discontinue in fée, and the discontinuée leuieth a fine with, &c. and fiue yeares do passe, and the tenant in taile dieth, yet his issue hath fiue yeares after his discender, to bring his formedon in discender, because he is the first to whom the right of the entaile commeth after proclamation by force of the gift in taile made before the fine, Plow.374.a.19.H.8.7.Dyer f.3.p.5.

Of Estrangers with Impediments hauing future right.

Sect.187. ANd estrangers to fines, hauing future right for any cause precedent the fine, being affected with such impediments, when their right first accrueth, haue fiue yeares after such impediments remoued, to pursue for the same, 1.R.3.c.7.4.H.7.c.24. As infants, as well those which

which be borne, as those which be in their mothers wombe, when such right happeneth to them, Plo. fol. 367.a. Femes couert, mad men, lunatikes, prisoners, persons beyond the sea, as appeareth before where it is spoken of them having present right. Plo. 366.a.7. Eliz.

As if a man haue issue a son and a daughter, which sonne purchaseth lands and dieth: and the daughter entreth as his heire, and is disseised by A. who leuieth a fine, and fiue yeres passe without claime. And ten yeares after the father hath another son, which is heire to his brother, he shal haue new fiue yeares after he come to his full age, because he is the first to whom the right discended after the proclamation, by reason of the discent which was before them. Plo. fol. 374.b.

But if an estranger to a fine, to whom a remainder, or other title, first accrueth after the fine, do not pursue his right within fiue yeares, he and his issue are barred for euer. 16. H. 8. Dyer fol. 3. pl. 6.

And in like maner, if the first issue in taile, to whom the title of the intaile first accrueth, neglect his fiue yeares, the whole estate taile is thereby bound for euer. 32. H. 8. Br. Fines 100.

If he which abateth after the death of a tenant in fée, make a feoffement vpon condition, and the feoffée leuy a fine, and fiue yeares after proclamation passe without entry or claime made by his heire, ỳ heire is barred: But if afterwards the condition be broken, and the abator therefore enter, then the heire may haue an Assise of mortdaunceſter against the abator, or entry vpon him at any time, e he hath no defence. For if he plead in barre of the assise the fine leuied to the cognisée, and that he hath his estate, the speciall matter of the abatement, condition, and reentry may be pleaded in defence thereof, for hee can neuer challenge priuiledge by the estate of the cognisor, which he himselfe defeated, Plo. fol. 358.b.7. *Eli.*

Of Estrangers having no right for any cause before the fine.

BVt estrangers to fines, hauing neither present, nor future right, &c. at the leuying thereof, by reason of any matter had before the fine, whose right groweth either intirely after the proclamation, or partly before, or partly after, may enter or claime when they please within the time of the prescription. Sect. 188.

As if the father die seised, his eldest sonne being professed, and the yonger sonne entreth, and is disseised, and a fine with a proclamation leuied, and after the elder sonne is veraigned, it seemeth he is bound to no time. Plo. fol. 337.a.

So if the husband leuy a fine of his owne lands, whereof his wife is dowable, and die, and fiue yeres passe after his death, she is not barred of her dower, because her title to be endowed accrued after the fine leuied, Dower.

leuied, namely by the death of her husband, for before his death she had onely possibility of power, and not any right, title, or interest thereunto Plo. fol. 378.

And if a tenant cease one yeare, and then a fine with proclamation is leuied: And afterwards a tenant ceaseth another yeare; The Lord may haue his cessavit per biennium xx. yeares after the proclamation made, because his right and title groweth partly before the fine, and partly after the fine leuied, that is at the end of the two yeares of his tenants ceasser, Plo. fol. 373. b.

Of Estrangers, hauing diuers future Rights by diuers titles.

Sect. 189. BVt if Estrangers to fines haue seuerall future Rights, by diuerse titles growing at seuerall times, it seemeth, that they shall haue seuerall fiue yeares, to make entrie or claime, commencing from such time as their seuerall titles first accrew vnto them: As if Tenant for life, the remainder in fee make a feoffement in fee: And the Feoffee leuie a fine with &c. and he in the remainder suffer the first fiue yeares to passe, hee is by his laches barred of his entrie, for the forfeiture growing by the alienation of his tenant during his tenant for life, because he had present right at the leuying of the fine to enter for the same, yet if after the tenant for life doe die, he hath other fiue yeares to bring his Formedon in Remainder, because that is a new title or right by which hee could not haue his Formedon during his tenant for life. And hee had his election to take aduantage of the forfeiture or not, Plo. fol. 573. b. Quære, for there Catlyn thinketh otherwise, because his fee to the land by the forfeiture accrued to him in the life time of his Tenant for life.

If I. S. be tenant pur auter vie, the remainder to another for life, the remainder to the same I. in fee, and I. S. is disseised, and the disseisor leuieth a fine with proclamation, and the fiue yeares passe, I. S. is bound for his future and present estate for life: But if cestuy qui vie and he in the meane remainder die, now I. S. shall haue other fiue yeares to enter for his remainder in fee, for it then first remaineth vnto him by the death of him in the meane remainder, and cestuy qui vie, for cause growne wholly before the fine, that is, the state so made before, which is another title, Plowden 367. b. per Welshe, and diuers Justices, Plo. 367. b.

In like maner, if land be giuen to I. S. for the life of A. the remainder to him for the life of B. the remainder to him for life of C. and hee is disseised, and the disseisor leuieth a fine with proclamation, now I. S. for his present right, hath fiue yeares by the first Sauing of the St. 4. H. 7. ca. 24. And fiue yeares after the death of A. by the second Sauing, which is of future right, and other 5. years after the death of B. for his second

second remaindre, for quando duo iura in vna persona concurrunt, æquiparantur ac si essent in diuersis, Plow. 368. a.

If a man disseise a feme sole, and after marrie her, and haue issue by her, and the baron is disseised before marriage or after, and a fine with proclamation leuied, first the baron, and after the feme die within 5 yeares, the issue being of full age, the 5 yeres passe, he is thereby bound as heire to his father, but hath other 5 yeres after the death of his mother, to enter, for albeit it is but one seise same land, yet the heire hath seuerall rights thereunto growing at seuerall times, the one as heire to his father, the other as heire to his mother, in regard whereof he hath seuerall times, Plow. 367. b.

So if ꝑ husband maketh a feoffement of his wiues lands, vpon condition, which is broken, he leuieth a fine with, &c. the husband hath issue by his wife, and dieth, the first v. yeres passe, and tꝫ the wife dieth, the heire is barred of his entrie for the condition as heire to his father, but shall haue fiue yeares after the death of his father, to claime, &c. because it is a title differing from that which did descend from his father, accruing to him first by the death his mother, Plow. 367. a.

Estrangers to fines, hauing neither present nor future right to the tenements in the fine, at the leuying thereof, but onely vnto rents, common, & issuing out of the same.

And estrangers to fines, hauing neither present nor future right to the tenements in the fine, but to somthing in, or issuing out of the same, seeme not barrable at all by any such fine or nonclaime. As if a tenant in antient demesne leuie a fine with, &c. at the common Law of his land in antient demesne, the lord in antient demesne may haue his writ of Deceipt, and thereby auoid the fine at any time, and thereupon his tenant shall be restored to the land, because the Lord claimeth not the land, whereof the fine is leuied, but his ancient seigniorie and seruices issuing out of the same, Plo. 370. b. Sect. 190.

It seemeth such fines doe not barre such Estrangers, as haue Rent, common, way, estouers, or any such charge out of the land, for it seemeth that these fines extend onely to bind the state, title, right, claime, entrie, and interest, in, and to the land, and no profits to be taken out of the lands, nor to take any power giuen to executors or others to sel the land. Br. tit. fines 123.

Pleas to auoid fines.

IT is a good plea to say, that I. S. was seised tempore leuac', and before the fine leuied, without that, that the parties to the fine had any thing Sect. 191.

thing therein at the time of the fine leuied, 9.H.4.27. 3.H.6.27.

Or to say, that the parties to a fine had nothing &c. but A. B. whose estate he hath, Et de hoc ponit se super p̃iam, 33.H.6.18. 26.H.6.f.9. 42.E.3.20. 4.H.4.8. 14.H.4.33. 4.H.7.c.24.

If there be two R.D. of one name, and the one leuie a fine of ȳ land of the other, the other may auoid the fine by pleading, that there be two of one name, and the other R.D. leuied the fine, & not he: And in like manner if any stranger leuis a fine in the name of another, that is owner of the land, 34.H.6.19. Contr̃ tẽ 19.H.6.44. because it is a matter of record, therefore he hath no other remedie in such case, but an action of deceipt.

Neither parties to fines, nor their heires may pleade in anoydance thereof, that before the leuying, and at the leuying of the same, and since the demaundant, or plaintife, or their heires, were alwaies seised of the lands conteined in the fine, or parcell thereof, Sr̃ de finib' 27.E.1.ca.1. 12.E.4.15. & 19. yet by Fairefax, if tenant in taile, the remainder in fee, leuis a fine sur cognisance de dr̃t come ceo &c. he in the remainder may auerre the continuance of possession, notwithstanding the fine and statute, because he is neither the partie, nor his heire, and so may a feme couert, where her husband sole leuieth the fine, 12.E.4.12.

The issue in taile may auer continuãce of possession against a fine sur cognisance de droit tantũ, or surrender, but not against a fine sur cognisance de droit come ceo que il ad de son done, because that fine is executed, and the other executorie, 12.E.4.15. & 19. 11.H.4.85.

Of a writ of Error.

Sect. 192. A Writ of Error to reuerse a fine, lieth where there is Error in any fine, and thereby not the Record of the fine it selfe shall bee removed, but the transcript thereof, vpon which transcript of the note of the fine, the plaintife may assigne his errors: And if the Iustices think, that the point assigned for error, is error, they may send for the note of the fine, and reuerse the same, F.N.f.20.f. As if a baron & feme leuy a fine to an estranger, the feme being within age, they may haue a writ of error to reuerse the fine, for this cause during her nonage, F.N.21.d.27. ass. pl.17. 50.E.3.4. And when a fine is to bee reuersed by error, the course is for the plaintife in the writ, to haue seuerall writs of Error, one directed vnto the chiefe Iustice of the Court of Common pleas to certifie the record and processe of the fine, another vnto the Custos Br. of the same Court to certifie the transcript of the foot of fine, and the third vnto the Chirographer to certifie the transcript of the record and processe of the fine: the seuerall formes whereof be as followeth.

A writ of Error directed unto the chiefe Iustice of the Court of Common pleas.

Rex, &c. dilecto et fideli suo Edm. Anderson militi, Salutem. Quia in record et processu, ac etiam in leuatione cuiusdam finis in Curia nostra coram vobis et sociis vris Iustic'oris de Banco apud Westm in octab. S. Michaelis vltimo preteritis, per breue nostrum de conuentione inter I. G. seniorem armig' & M. vxorem eius, & I. G. iuniorem generosum & G. H. defore', de manerio de G. cum pertinen, ac de vno messuagio, cotagiis, quindecim toftis, quatuor horreis, quindecim gardinis, duobus pomariis, ducent acr terre, octaginta acr prati, centum acris pasture, sex acris bosci, trescentis acr mar, et cc quarteris pasture pro omnimodis ueriis cum pertin in G. in com Hunt leuat coram vobis iniquum et manifestum ac graue damnum ipsius G. sicut ex querela sua accepimus. Nos errorem, si quis fuerit, modo debito corrigi, et eidem G. plen & celeri Iustic' fieri volentes in hac parte, vobis mandam' quod recordum et processum finis pred', cum omnibus ea tangen, que in custodia vestra existunt, vt dicit nobis sub sigillo vestro distincte et aperte mittatis, ita quod ea habeamus in Octabis S. Hil', vbicunque tunc fuerimus in Angl' vt inspectis recordo et processu finis pred' vlterius inde pro errore illo corrigendo fieri faciamus, quod de iure & secund legem & consuetud regni nostri Angl' fuerit faciend', &c.

A writ of Error vnto the Custos brevium of the Court of Common pleas.

Rex, &c. dilecto sibi Tho. Spencer armig', custodi brevium suorum de Banco, salutem, quia in recordo et processu, ac etiam in leuac cuiusd finis in cur nostra de banco apud Westm in Oct S. Mich. vltimo preteritis coram Ed. Anderson milite et sociis suis Iustic' nris de banco pd per breue nostrum de conuentione inter, &c. do &c. Vobis mandam' quod transcriptum pedis finis pd, cum omnibus illis tangen que in custod vra existunt vt dicitur, nobis sub sigillo vestro &c. vt inspecto transcripto pedis finis pd vlterius inde, &c.

A writ of Error vnto the Chirographer of fines.

Rex, &c. dilecto sibi, Tho. Crompton Armig' Chirographario suo de banco, salutem, quia in recordo et processu, ac etiam in leuacione cuiusdam finis in Curia nostra de Banco apud W. in oct S. Mich. vltimo preteritis, coram Ed. Anderson milite, & sociis suis Iustic' nostr in Banco pd per breue nostrum de conuenc' int &c. do &c. Vobis mandam' quod transcript recordi et processus finis pred', cum omnibus illis tangen que in custod vra existunt vt dicitur, nobis sub sigillo vro distincte & aperte mittatis & hoc breue, &c. vt inspecto transcripto recordi et processus finis pred' vlterius inde, &c.

Item note that a writ of Error is not maintainable by an infant, &c.

reuerse

couerie a fine for his Infancy, but during his Infancy, 50. E. 3. 4. 17. E. 3. 52. 78. 27. Lib. Ass. 53.

For what errors, fines and proclamations be not reuersable.

No fines or proclamations vpon fines or common recoueries, shalbe reuersable by writ of Error, for false or incongruous Latin, razure, interlining, inserting of any warrant of Atturney, or of any proclamation, mistaking or not returning of the Sheriffe, or other want of forme of words, and not of matter of substance, 23. Eliz. ca. 3.

Of Error in the proclamation of a fine.

If Error be in the Proclamation of a fine, they shall be reuersed by graunt without writ of Error; but that fine neuertheless remaineth of good force still, for they are seuerall matters of record, yet if error be in the fine, the proclamations are void, because the fine is the first record whereupon the Proclamations depend; and sublato subiecto tollitur eius accidens, Plo. 366. a. Dyer fol. 216. pa. 54. 4. Eliz.

Of a Certiorari.

Sect. 193. If a man haue recouered, and before he haue execution, the Record thereof be remoued into the receit of Exchequer, the plaintife may haue a Certiorari out of the Chancery to the Chamberlain of Exchequer, to remoue the tenor of the Record, and procesle thence into the Chancery. And when it is there, it may be sent thence by Mittimus into the Court whence it came, as the Kings Bench, if it came thence: or into the Common place, if it came thence, and there may execution be sued, 37. H. 6. 16.

A Certiorari with a Mittimus to remoue a fine, bearing date before the fine come into the Chancery, is good enough, 1. R. 3. 4.

In a writ of Error to reuerse a fine, the Record it selfe shall not be remoued, but the transcript thereof, because a record, which commeth into the Kings Bench, shall not be remaunded: And if the iudgement be affirmed, there is no Chirog. to ingrosse the fine, 40. Ass. 19. 29. Ass. 43.

Yet 5. Mary it is holden that in a writ of Error vpon a fine, the record it selfe shalbe certified, so that no mo proclamations shall be made thereupon, for if it be reuersed, that endeth all: and if the fine be affirmed, the record shall be sent into the Common place by Mittimus, to be proclaimed and ingrossed: For if the transcript onely should be remoued, they might neuertheless proceed in the Common place, B. Tit Rec. 79. Ideo quære.

A Certiorari of the transcript of the foot of a fine.

Rex. Thesaurario & Camerariis, salutem; Quia quibusdam certis de causis Certiorari volumus, vel volentes certis de causis Certiorari, vel quibusdam certis de causis Certiorari, super remore pedis cuiusd. finis

leuati

leuati in curia noſtra, coram Iuſticiarijs noſtris dudū vel vltimo itinerantibus apud N. in com̃ tali per breue noſtrū, vel in curia dñi Ed. nup regis Angl' aui noſtri, vel patris noſtri, anno regni ſui decimo, &c. corā I. et ſocijs ſuis tunc Iuſtic' eiuſdem aui noſtri, vel patris noſtri, de bāco p breue ſuum int̃ A. petentem & B. tenent̃, de vno meſſuagio cum ptin̄ in N. vobis mandam⁹ qd ſcrutatis pedibus finiū de eodem itinere tempore p̄dict̃ leuatorum, vel finium coram p̄fatis Iuſtic' anno p̄d leuatorum, qui ſunt in Theſaurario noſtr̃ ſub cuſtodia veſtra vt dicunt, tranſcriptum pedis finis p̄dict̃ nobis in Cancell' noſtram ſub ſigillo ſcaccar̃ noſtri diſtinctè et apte fine dilatione mittatis, & hoc breue, Teſte, &c.

Rex dilecto clerico ſuo W. ſalutem, volentes certis, &c. ſup tenore notæ cuiuſd̃ finis leuati, &c. anno, &c. inter A. petentem, et C. tenent̃, &c. vobis mandam⁹ quod, ſcrutatis notis finium penes vobis reſidentium, tranſcr̃ notæ pred̃ nobis in Cancell' noſtram ſub ſigillo veſtro diſtinctè & apertè ſine dilatione, mittatis, et hoc breue. T. &c. Alīt de tenore notæ finis.

Finis leuat̃ in curia nr̃a ann̄ regni nr̃i decimo, coram W. et ſocijs ſuis tunc Iuſtic' noſtris de banco per breue noſtrum, inter &c. Alīt coram Iuſtic' nunc de banco.

A Mittimus of the Tranſcript of a fine out of the Chancerie into the Commonplace.

DOmin̄ Rex mand̃ Iuſtic' hic breue ſuum clauſ̄, in hæc verba, Hen' &c. Iuſtic' ſuis de banco ſalutem, tranſcr̃ pedis cuiuſd̃ finis leuat̃ in cur̃ domini E. nuper Reg. fil' Regis H. nup Regis Angl' ,pgenitoris noſtri, coram R. H. et ſocijs ſuis tunc Iuſtic' ipſius ,pgenitoris noſtri de bāco apud W. per breue ſuum inter G. P. et I. vxor̃ eius quer̃ et S. P. de forc', de manerio de C. cum pertin̄, nobis in Cancellar' noſtra de mandato noſtro miſſum vobis mittim⁹ præſentibus intercluſ mandantes q̄ inſpect̃ p̄d vlterius ad proſecutionem I. L. et M. vxor̃ eius vni' ,et T. V. et T. vxor̃ eius alterius, necnon H. B. tertij conſang' et hered̃ predict̃ G. et I. de corpore ſuis procr̃, fieri facias quod de iure et ſecundum legem et conſuetudinem regni nr̃i Angl' fuerit faciend̃. Teſte meipſo apud W. octauo die I. anno regni noſtri decimo ſeptimo. Tranſcr̃ pedis finis, vnde in breui predict̃ fit mentio, ſequitur in hæc verba: Hæc eſt finalis cōcordia facta in cur̃ domini Regis apud W. in oct̃ S. Mich. anno, &c. coram R. H. W. B. P. M. W. H. L. T. & H. S. Iuſticiarijs, et aliis dom̃ Regis fidelibus tunc ibidem præſentibus, inter G. P. & I. vxor̃ eius quer̃ per W. F. poſit̃ loco eorum ad lucrand̃ vel predend̃, & S. P. de forc' de manerio de C. cum pertinentijs, vnde placitum conuentionis ſummon̄ fuit inter eos in eadem curia, ſcilicet quod prædict̃ G. recogn̄ præd̃ maner̃ cum pertinen̄ eſſe ius ipſius S. vt illud quod idem S. habet de dono predict' G. et pro hac recogn̄, fine & concordia, idem S. Sect. 194. Atturney in fine.

concessit prædᵗ G. & I. prædᵗ manerium cū pertinentijs et illud eis reddidit in eadem curia, habendᵗ & tenendᵗ eisdᵐ G. & I. et hær̄ quos idē G. de corpore ipsius I. procreauit, de prędᵗ S. & heredᵇ suis imperpetuum, reddendᵗ inde per annum vnam rosam ad festum Nat. Sᶜᵗ Ioh. Bap. p̄ omni seruitio, consideracᵒ & exactione ad prædᵗ S. & heredᵇ suos pertin: Et faciendᵗ inde capitalᵇ dominis feodi illius, pro prædictᵒ S. & hēr̄ suis omnia alia seruicia, quæ ad illud manerium pertinent: Et si contingat qđ p̄dᵗ G. obiret sine heredᵇ de corpore ipsius I. p̄creat, tunc post decessum ipsorum G. et I. manerᵐ p̄dᵐ cum pertinenᵗ integre remanebit W. fratri eiusdᵐ G. et heredᵇ de corpore suo p̄creat, tenendᵗ de predᵒ S. & heredᵇ suis p̄ predᵗ seruitia, sicut predᵗ est, imperpetuum. Et si contingat quod p̄dictᵗ W. obiret sine heredᵇ de corpore suo procreat, tunc post decessum ipsius W. predᵗ manerium cum pertin integre remanebit I. fratri eiusdem W. et heredᵇ de corpore suo p̄creat, tenendᵒ de p̄dictᵒ S. & hēr̄ suis p predᵗ seruitia, sicut predᵗ est, imperpetuum; Et si contingat, qđ p̄dᵗ I. obiret sine hēr̄ de corpore suo p̄creat, tunc post decessum ipsius I. p̄dᵗ manerᵐ cum pertin integre remanebit E. fratri eiusdᵐ I. et hēr̄ de corpore suo p̄creat, tenendᵗ de p̄dᵒ S. et heredibus suis per p̄dᵗ seruitia, sicut p̄dᵗ est, imperpetuum. Et si contingat quod p̄dᵗ E. obiret sine herede de corpore suo p̄creato, tunc post decessum ipsius E. p̄dᵗ manerium cum pertinentijs integre reuertatur adᵖ predᵒ S. et hēr̄ suos, quiet̄ de alijs hēr̄ ipsorum G. I. W. I. et E. tenendᵒ de capitalibᵇ dominis feodi illius p̄ seruitia, quæ ad illud manerium pertinent imperpetuum.

Render in taile.

Forrein seruice

Rem. in taile.

Reuertet.

A Mittimus.

Sect. 195. R Ex, Iustic' de banco salutem. Mittimus vobis sub pede sigilli nostri &c. *vel sic.* Transcriptum pedis, *vel sic.* Tenorem pedis cuiusdam finis leuati in curia dom̄ Ed. nuper Reg. Angl' aui nostri anno regni sui decimo, cor̄ W. et socijs tunc Iustic' ipsius aui nostri de banco apud W. p̄ breue nr̄m, Inter I. querentē, & W. deforc' de tanto &c. quos vel quē coram nobis in Cancellaria nostr̄ venire fecim⁹, vobis mittim⁹ sub pede sigilli nostri, vt in loquela, quæ est cor̄ vobis p̄ breue nr̄m int̄ I. filiū I. petent, & E. tenet̄, de cod̄ mess. &c. securi⁹ p̄ced. valeatis, &c. T. &c.

A Mittimus for the foot of a fine.

REx Balliuis suis S. salutem. Quia in leuatione diuersorum finiū cor̄ram I. S. & W. W. nuper balliuis ville S. inter W. R. & M. vxor eius quer̄, & W. T. Cappellanum deforc', de oct̄ mess. &c. et decem solidat̄ redd̄ cum pertinen̄ in S. Anno, &c. iuxta libertates burgensibus villæ predict̄ per chartas progenitorum nostrorum quondam regum Angl' concess. leuat̄, error interuenit manifestus, sic per inspectionem teno-

Attorney in fine.

rum

rum finium pred', nec non recordi & processus leuationis eorund', quæ coram nobis postea ad sectam W. M. et H. W. de S. consanguineorum & hered' præd' M. venire fecimus, nobis constat: Et nos in curia nostra cor' nobis, ob errores in leuatione finium pred', ac in recordo & processu eorundem coram pobis, consideratum est qd pedes finium pred' & filacij finium pd' extrahantur & cancellantur. Et ideo vobis mandamus, quod pedes finium pd', qui in custodia vestra existunt, mittatis coram nobis tali die vbicunq; &c. cancellat' iuxta consid' nr̄a supradict'. Et habeatis ibi hoc breue. T. &c.

Error by the heire vpon a fine.

Whether anyone may take benefit of a fine, which reserueth a fine, may reape benefit thereby.

If the estate contained in a fine, be once within 5. yeares after proclamations lawfully defeated: That party hath thereby lost his whole estate both against him which did reuerse the same, & all others which had right or title paramount, and made no claime within the 5. yeares: Albeit he which brought his action have not iudgement and execution within 7. yeares after the proclamations, Plo. fol. 358. b. Sect. 196.

In like manner, if there be tenant for life, the remainder for life, the remainder in fee, and the first tenant for life alien, and the alienee leuie a fine with proclamations, & the second tenant for life entre or claime (as he may) he defeateth the fine against himselfe, and him in the remainder also, Plo. fol. 359. a. 7. Eliz. 22. d. H. 22. 14. d. H. 22. 21. b. H. 22

Warrantia Chartæ.

A writ of Warrantia chartæ, lieth where a man by deed of graunt, feoffement, release, or confirmation, or fine, or by exchange, bindeth himselfe and his heires to warrant the land to another, who being tenant of the land is impleaded for the land, or rent out of the same, in an Assise, or writ of Entrie in nature of an Assise, or in a Scire facias vpon a fine, or in any other action reall, wherein the tenant may not vouch, he may sue a Warrantia chartę, against him and his heires which made warrantie. And for a tenant by homage auncestrell, or any particular tenant vpon reseruation of rent, or for egalty of seruices vpon partition, Fitz. Nat. fol. 134. d. f. g. h. Fitz. Nat. 133. c. 132. E. 3. 8. B. 4. 11. H. 1. Sect. 197.

Rex, &c. qd iuste &c. warrantizet D. vnum messuagiū cum pertinentijs in R. q̄ tenet & de eo tenere clamat, et vnde chartam suam habet vt dicit. Et si &c. *vel sic.* Manerium de N. cum pertinentijs, & aduocatioē eiusdem villæ quæ tenet &c. *vsque ibi,* vnde chartam suam habet, vel chartam R. patris, vel matris, vel alterius antecessoris predicti H. cuius hæres ipse est, vt dicit. Et nisi &c. *vel*

Briefe de warrantia Chartæ

De eo quod idem A. warrantizet prefato D. maneria de N. & K. & hundreda de F. & G. cum pertinen', & aduocationem Ecclesiæ de N. & ideo vobis mandamus &c.

But if a man infeoffe another with warrantie by deed, and the feoffee infeoffe another, and take estate from him in fee, the first warrantie is determined, because hee is now in a new estate, Fitz. nat. folio 8 H. 2 with A. disseise B. and infeoffe C. with warrantie, who infeoffeth D. with warrantie, upon whom an estranger entreth, in whose possession B. the disseisee releaseth his right, now all former warranties are extinct: And albeit D. is impleaded, yet shall he not haue Warrantia chartæ, because he is in of another estate by wrong, Fit. nat. 135. g. 21. H. 6. 41. 22. H. 6. 23.

Releas per Ioinctenants. If there be three Ioinctenants, and the one releaseth to the rest, they may voutch the former warrantie by voucher, or Warrantia chartæ, for they be in a third part by the release, 40. E. 3. 41.

Villenage. Warrantia chartæ lieth against a villaine, 48. E. 3. 17.

The writ of Warrantia chartæ must be sued hanging the principall plea, and before iudgement, as Assise or Entrie in the nature of Assise, 48. E. 3. 22. Regist. orig. fo. 158. a. for though the warranter doe die, yet the writ shall not abate, but his heire shall be summoned to answer upon the same, yet may a Warrantia chartæ be sued before he be impleaded, quia tunc in placito realis, & tam placitum tenet in vadio per tempore, &c. such time as the vouchee at the purchasing of the writ, Fitz. nat. fo. 134. k. 22. H. 4. 12. 21. H. 6. 41. 22. H. 6. 22. 24. E. 3. 35. But he must not haue execution, but if afterwards he be put out by iudgemẽt, he shal haue his warranty upon his first recovery, 21. H. 6. 41. 21. H. 6. 22. 12. H. 4. 12.

Mountenure. In Warrantia chartæ, it is a good plea for the defendant that hanging the plea, the demandant in the principall hath entred upon the plaintife, being tenant at the land, and the plaintife in this action had nothing in the land the day of the first writ purchased, nor at any time after, 21. H. 6. 49. 33. E. 3. 4. Fitzherb.

Countie. Warrantia chartæ may be brought in any County, if the deed beare not date in a place certaine, 21. E. 3.

Tenant in cõmon. Tenants in common may ioyne in Warrantia chartæ, 48. E. 3. 22.

Count per Baron & feme sur fine oue garr. I. H. fil. et hær Isabel quæ fuit vxor R. fuit summ' ad respond' I. T. & I. vxori eius, de placito quod warr' eis vnum messuag' cum pertinentijs in S. quod de eo tenet, et de eo tenere clam', & vnde cartam Isabel matris prædict' I. H. cuius hæres ipse est habet &c. Et vnde &c. die' quod quend' finis levatur in curia domini reg. nunc in oct' S. Hil. anno &c. coram T. B. et sociis suis tunc Iustic' ipsius domini regis de banco inter ipsos I. T. & I. quer', & R. de B. et prædict' Isabel tunc vxor eius deforc', de mes. pred' cum pert' inter alias terras et tenta. per nomen &c. cum pert' in S. in com' pred' per quod finis pred' R. et I. concessit p se & hered' ipsius I. quod quatuor acr' terr' cum pertin' de pred' tenemẽt'

Inter alia per nomen.

Finis de reuersion.

quas

quas G. & M. vxor eius tenuerunt ad terminum vitæ ipsius M. de hereditate pd Isab. in S. pd, de quibus hæc concordia facta fuit, & quæ post decessum ipsius M. ad pd R. & I. & hæred ipsius Isab. reuerti debuerunt post decessum ipsius M. integre remanendum pd I. & I. & hered suis pd tenend simul cū præd' tenemento quæ eis p fine illum remanserunt, de pd R. & Isab. & hered ipsius I. præd' seruic sicut præd' est, imperpet. Et ijdem R. & Isab. similiter concesserunt pro se & hered ipsius I. quod ipsi warr præd I. & I. & hered suis præd' tenement cum pertin sicut præd' est, contra omnes homines imperpet. Et si contingeret quod ijdem I. & I. obirent sine hered' de corporibus suis exeuntibus, tunc post decess. ipsorum I. & I. præd' tenement cum pertinent, sicut præd' est integre reuert ad præd' R. & I. & hered ipsius I. quieta de alijs hered præd' I. & I. tenendum de capitali domino feodi illius, p seruitia quæ ad præd tenement pertinent imperpet, & præd' R. & postea obierunt, sed q ad ipsos I. T. & I. pertinuit habend de præfat I. H. vt fil & hered ipsius I. warr suam præd'. Ac quidem I. R. arrain quandam assisam nouæ disseisin de tñ I. W. & I. justic' domini Regis nunc ad assisas in Com pd capiend assign, versus ipsos I. T. & I. de præd' tenementis, & ijdem I. T. & I. sæpius requisierunt ipsum I. H. vt fil & hered ipsius Isab. ad warr eidem I. T. & I. præd' tenement, & idem I. H. tenementa illa sic warr contradixit & adhuc contradicit, vnde dic' quod deteriorata sunt, & damnum habent ad valentiam centum lib. Et inde producunt sectam &c.

Talle.

I. T. fuit ad respond H. W. de placito, quod clausum meum &c. cū pertinent in B. quæ de eo tenet, & de eo tenere clam, & vnde cartam suam habet, & vnde &c. dicit quod cum præd' I. seisit fuisset de tenement præd' cum pertin in dominico suo vt de feodo, & sic inde seisit p quod cartam suam, quam idem H. hic in Cur profert, cuius data est apud Bothlidie, anno &c. dedisset, concessisset & confirmasset eidem I. tenementa præd' cum pertin, inter alia terras &c. per nomen, vt in patta, &c. habend eidē H. hered' & assign suis imperpet, & obligasset se & hered suos ad warr eidem H. hered' & assign suis, tenta præd' cum pertin, contra omnes homines imperpet. Ac idem H. virtute donationis sibi inde sic p feoffatus fuisset in dominico suo vt de feodo, quidam I. arrain vers. ipsum H. quandam assisam nouæ disseisinæ de præd' mes. & terris cum pertin coram I. M. & I. &c. justic' dñi regis ad assisas in com præd' capiend assign per quos idem H. pendente assisa illa ipse requisiuit præfat I. q ipse præd' mes. &c. cum pertin eidem H. warr, & idem I. mesuag' illud &c. eidem H. hucusq; warr contradixit, & adhuc contradicit, vnde dic' &c. & inde produc sectam &c.

Count sur fait oue garr.

Iater alia per nomen.

Et prædict' I. T. in propria persona sua venit, & defendit vim & iniuriam quando &c. & dicit quod ipse non potest dedicere, quin carta prædict' sit

Confession.

Iudgement.

fecit ipsius I. nec quin ipse dederit per cartam illam pred. H. tenet. pd cum pertin, nec quin ipse teneat tenta illa eidem H. warrantizare in forma qua idem H. supponit versus eum narrauit. Ideo consideratum est quod pred. I. warrantizaret pred. H. messuag' pred. & ter. cum pertin, p loco & tempore &c. Idem I. in mia. &c.

F. W. generosus sum fuit ad respond. I. B. generoso, & E. B. fil' suo, de placito qd warrantizet eis 6. messuag', 3. gardin, &c. 9. pomaria cum pertin' in Ciuitate B. quæ tenent & de eo tenere clam, & vide cartam suam habent &c. Et vnde idem I. et E. per H. C. attornat' suum dic', q cum pd F. nuper seisitus fuisset de ten' pd cum pertin in dominico suo vt de feod, Et sic inde seisitus existens, quædam fina leuauit in Cur' dñi regis nunc hic scilicet apud West' in Octab. Sancti M. anno regni dicti dñi regis nunc sexto, coram I. D. H. B. A. B. & R. W. Iustic', Et postea a die Pasche in 5. dies anno regni eius reg. 3. ibid' concess' & recordat' coram eisdem Iustic' & alijs dicti dñi reg. fidelibus tunc ibi præsentibus, inter pred' I. et E. quer, & pred' F. defore' de ten' pred' cum pertin vnde placitum conuentionis sum fuit inter eos in eadem Curia, scilicet qd pred' F. recognouit ten' pred' cum pertin esse ius ipsius E. vt ill' quæ idem E. & I. habuer de dono pred' F. et ill' remis. & quiete clam de se et heredibus suis, pred' I. et E. et hered' ipsius E. imperpetuum: Et preterea idem F. concessit pro se et heredibus suis, quod ipse warrant' pred' I. et E. et hered' ipsius E. pd tenementa cum pertin' cõtra omnes homines imperpetuum: Qui quidem finis in forma pd leuat', habit' & leuat' fuit ad opus & vsum eorundem I. et E. et hered' eiusd' E. imperpetuum, Cuius prætextu, idem I. et E. fuer' seisit' de eisdem tenement' cum pertinen', vix idem E. in dominico suo vt de feodo, ac pred' I. in dominico suo vt de libero tenemento: Et sic inde seisit' existen' quidam H. O. coram maiore et vic' villæ pd, die lunæ, videlicet, 28. die Aprilis, anno regni dicti domini Regis nunc quarto, apud Guilhaldam Ciuitatis pred' arrain, quandam assisam fricte forcie secund' consuetud' Ciuitatis illius, in natura assisæ nouæ disseisinæ ad communem legem, versus eodem I. B. & E. de tenemet' pred' cum pertin, per qd idem I. et E. pendeb' assisa illa, sæpius requisiuerunt pred' F. quod ipse tenementa pred' cum pertin eisd' I. B. et E. et hered' eiusdem E. imperpetuum warrantizaret. Et idem F. tenementa illa cum pertin eisdem I. et E. hucusque in forma prædicta warrantizare contradicit, vnde dic' quod deterriorat' sunt, et damnum habent ad valenc' ducentarum librar', & inde producit' sectam &c.

Et pred' F. in propria persona sua ven' et defend' vim & iniuriam quandam &c. et dic' quod ipse non potest dedicere actionem prædict' I. et E. prædict', nec quin finis pred' in forma pd leuat' fuit, nec quin ipse per finem illum teneatur ad warrantizand' ten' pd cũ ptin pd I. & F.

E. & hered' ipſius imperpetuum, in forma qua ijdem I. & E. ſuperius verſus cùm narrauer; Ideo conſider eſt q̄ pred' F. warrantizet pref' I. & E. & hered' ipſius E. imperpetuum, tenement' pred' cum pertin' &c. loco & tempore, &c. Et nihil de mia pred' F. quia ven prim die per ſum, &c. M. 8. & 9. El. Reg. Rot. 1822.

W. C. armig' ſum fuit ad reſpōd E. B. gener, de pl', qd warrātizet ei quinquaginta & quatuor acr ter, quadragint acr paſturæ, & ſex acr boſci cum perrinentijs in E. quas tenet & de eo tenere clamat, & vnde cartam ſuam habet, &c. Et vnde idem F. in propria perſona ſua dic', qd cum ipſe ſeiſit' fuiſſet de pred' tentis cū pertin' in dominico ſuo vt de feodo, (& ſic inde ſeiſitus exiſtens) pref. W. per nomen W. C. de I. in com N. alias dict W. C. de W. in com Suff. armig' x. die I. an' reg' dnæ Reginæ nunc 13. per quoddā ſcriptum ſuum. q̄ idem E. ſigill' pred' W. ſignat hic in curia profert, cuius datum eſt eiſdem die et anno, recitā per idem ſcript q̄ cum idem W. C. per nomen W. C. de I. in Com N. alias dict W. C. de W. in com S. armig', ſimul cum fratre ſuo C. C. de Lincolnes Inne in com Middl' gen', per quandā Indent inter pref. W. & C. ex vna parte, & E. B. de Lincolnes Inne pred generoſ. ex altera parte confect geren' dat x. die F. anno regni Eliz. dei gratia, Angl', Fr', & Hib. Reg, fidei defenſoris, &c. decimo, barganizauit & vendiderit prefat. E. totum ſtatum & intereſſe ſua, de & in illis parcell' terr̄ continent per eſtimationē ſeptē acr ſiue plus ſiue minus inde habeatur, iacen' & exiſten' in parochia de E. in com K. modo, vel nuper in tenura vel occupatione cuiusdā W. S. vel aſſign' ſuorum, quorum quidem parcell' vnde parcell' vocat Little O. alias dict. O. & continen' per exiſtimationē ſex acr, ſiue plus ſiue minus inde habeat, habend & tenend omnia prædict terras, & omnia alia præmiſſa, cum omnibus & ſingulis ſuis pertinen' pref. E. B. hered & aſſign' ſuis ad ſolum & proprium opus & vſum ipſius E. B. hæred & aſſign' ſuor imperpetuum, prout per pred Indent pleni' apparet, cumq; etiam idem W. poſtea per nomen W. C. de I. in Com N. armig' alias dict. W. C. de W. in Com S. arm̄ ſimul cū pred fratr ſuo C. C. de Lincolnes Inne in Com M. gen' per quandam Indenturam inter pref. W. C. ex vna parte, & pref. E. B. de Lincolnes Inne in Comit M. generoſ. ex altera parte, confect', geren dat 19 die Octob. anno regni Eliz. Dei gratia, Angl', Franc', & Hiberniæ Reginę fidei defenſoris, &c. decimo, etiā barganizauerit, & vendider pref. E. omnia terras, boſcos, & terras boſcales ac cetera hæreditamenta ſubſcript, per quodcunque nomen ſeu quæcunque nomina vocat, reputat, ſeu cognit, viz. omnia illa ter vocat S. alias dict. O. alias dict. Great O. and the Broome, alias dict. O. and the Broome, ac omnia alia terras & hereditamenta quæcunque continent per eſtimationem quindecem acr ſiue pl' ſiue min' inde hēat per quodcunque nomen ſeu per quæcunq; noia

eadem ſint voc', reputat' ſeu cognit', modo vel nuper in tenura vel occupatione eiuſdē T.B. ex dimiſſiōe cuiuſdā I.C. de I. pred armiger' ad tunc nuper defunct' quę quidem parcel' iacent et exiſtunt in E. in com K. ac omnes illas terr' modo vel nup in tenura vel occupatiō cuiuſd P.W. de E. in p̄d com K. iacen et exiſten in E. pred ration cuiuſd dimiſſion eidē P. fact' p p̄f. I.C. continen p eſtimation quinq; acr', ſiue pl' ſiue min' inde habeat, ac etiam oes ill' terr' modo vel nup in tenura vel occupac' cuiuſd I.I. ex dimiſſion p̄f. I.C. eid. I. I. fact', contin p eſtim quadragint & octo acr' ſiue pl' ſine min' inde hēat, iacen et exiſten in diuerſis ſeparalib' pcel' in E. p̄d vnde quæd pcel' ſunt voc' ſeu cognit per nomē de P. alias dict' B. quædā aliæ parcel' inde ſunt voc' ſeu cognit per nomen de R. quædam alia parcell' inde ſunt voc' ſeu cognit per nomen de S. Dane: Ac etiā oia ill' boſc' et terr' boſcales infraſpec', viz. E.W. contin p eſtim duas acr' ſiue pl' ſiue min' inde hēat, le woodlād iacen apud Knowel gate in E. pred, contin per eſtim 3. rodas ſiue plus ſiue min' inde habeat, S. contin per eſtim tres rodas ſiue plus ſiue min' inde hēat, L. alias dict' K. contin per eſtim vnā acr' & tres rodas, ſiue pl' min' inde hēat, quæ oia ſunt iacen et exiſten in E. p̄d hēnd et tenend omnia p̄dict' terras boſcos et terras boſcales ac oia alia premiſſa cū oibus et ſingulis ſuis ptin̄ p̄f. E.B. hær' et aſſign ſuis, ad ſolum et proprium op' et vſum ipſius E.B. hær' et aſſign ſuorum imperpet', Cumque etiam idem W. ſimul cū p̄f. C. fratre ſuo poſtea ſcz. in cur' dict' dn̄æ Reg. hic apud Weſt. in oct' S.M. an̄ reg' dictæ dn̄æ Reg. vndecimo in pte compleñti quarund concell. et conuēc' in p̄d Indentur' ſpecificat', recogn oia p̄d terr' boſcos, et hered cum ſuis ptin̄, per nomen ſiue nomina 54. acr' terr', 40. acr' paſturę, & 6. acr' boſci cū pertinen in E. p̄d, eſſe ius p̄d E.B. vt ill' q̄ diem E. adtūc habuit de don p̄d W. et p̄f. C. fratris ſui, & ill' adtunc remiſerit et quiet' clamauit de ſe p̄f. W. et hær' ſuis, pref. E. & hær' ſuis imperpet', & pred W. per idem ſcript hic in cur' plā adtūc approbauit, ratificauit et confirmauit eidem E.B. adtunc in ſua plen & pacifica poſſeſſion & ſeiſina p̄miſſ. exiſten totum ius, titul̄, ſtatum, & intereſſe ſua de & in p̄miſſis, quæ oia terr' præd, paſtur', boſc' terr' boſca, les, & ceter' oia et ſingula p̄miſſa cū oib' et ſingulis ſuis pertin̄, pref. E. hær' et aſſign' ſuis, ad ſolū et proprū opus et vſum ipſius E. hær' et aſſign ſuorū imperpetuū. Et inſuper pred W.C. p ſcript illud obligaſſet ſe & hær' ſuos, ad warr' eidē E. her' & aſſign ſuis imperpetuū, omnia pred ter' paſtur' boſcos, et terras boſcales, ac cetera oia p̄miſſa cum ſuis p̄tin̄ cōtra oēs hoies imperpetuū, put per pred ſcript hic in cur' plā pleni' appar, Et idē E. dic' p̄d ten̄ta in breui p̄d ſpec', ſunt ead tenēnta in pred ſcript hic cur' plā mēcion, & non alia nec; diuiſa, ac quidā H. R. ipſo E. de ten̄tis p̄d cū pertin̄ in form p̄d ſeiſit exiſten, in curia hic ꝓſecut' eſt verſus ipſum E.B. quoddam breue dn̄ę Reg. de ingreſſu ſup diſſeiſin

in le quibus, de tentis ꝑd cum pertin, per quod idem F. pendente breui illo sæpius requisiuit pref. W. C. quod ipse tenta cum pertin eidem E. hucusq; warrantizar & eidem W. ꝑd tenta cum pertin eidem E. hucvsque warrantizar contradixit & adhuc contradicit, vnde dicit quod deteriorat est & damnum habet ad valentiam trescentarum librarum, & inde producit sectam, &c.

Et ꝑd' W. C. per T. B. Atturn suum ven & defend' vim & iniuriam quãdo, &c. & dicit quod ipse non potest dedicere action' ꝑd B. ꝑd nec quin ꝑd script hic in curia ꝓlat, sit factum ipsius W. C. nec quin ipse per idem script confirmauit pref. E. tnta pred cõ pertin', nec quin ipse ꝑd W. per scriptum illud teneatur tent ꝑd cum pertin' eidem E. warr, in form qua idem E. superius versus eum narrauit, Ideo cons. est quod præd' W. C. warrantizet pref. E. tem præd' cũ pert ꝓ loco & tempore, &c. Et nihil de Mia ipsius W. quia ven' prim die per sum &c. Hilr 13. El. Ro. fiat similis intratio vers. C. C. mutat mutandis F. W. gen' sum fuit ad respond W. R. de pl̃ ꝙ warr ei octo messuag', sex gardina, tria pom, quatuor acr terr, sex acr prati, & duas acr pastur cum pert in B. & B. q̃ tenet, & de eo tenere clamat, & vnde terram suam habet &c. Et vnde idem W. per W. C. atturn' suum dic' ꝙ pred' E. nuper fuit seisitus de tentis pred. cum pertin' in dominico suo vt de feodo, & sic inde seisitus existens idem F. 19 die S. an' Reg. dn'æ Reg. nũc 25 apud B. pred per quandam cartam suam, q̃ idem W. R. sigillo pred. F. signat hic in Curia ꝓfert, cuius dat est eisdem die & anno, dedit & concessit tenem pred. cum pert pref. W. R. hẽnd sibi & hær suis imperpetuum, & alteri' pred' F. per cartam pred' tenement pred. cum pertin' eidem W. & hær suis contra omnes homines warr ꝓut per cartam illam plen' apparet; virtute quorum quidem don' & concess. idem W. fuit & adhuc est seisit de ten' pred' cum pertin' in dominico suo vt de feodo, Et sic inde seisit existens, quidam D. D. arrain' versus ipsum W. quandam assisam nouæ disseisinæ de pred' tn'tis cum ptin' coram I. C. vno baron' Scacc' dom reg' & F. R. vno seruien' ipsius dom reg' ad legem Iustic' eiusdem dn'ę reg. ad assisas in com pred. capiend assign' ꝑ formã statut &c. per ꝙ idem W. R. pend assisa illa sæpius requisiuit pref. F. qd ipse pred. tenement cum pert eid W. warr & idem F. ten' illa cum pertin' eid W. hucusqu; warr contradixit & adhuc contradicit &, vnde dic' qd deteriorat est & damnum habet ad valentiam centum librarum, & inde producerit sectam, &c.

Of Recoueries for assurances, &c, called *common, or feigned Recoueries.*

IN euerie Recouerie are to bee regarded the demandant, the Tenant of the land, and the vouchee, as the efficient causes thereof. The land demanded, as the matter, which must as certainly bee set downe in Writs of Entre, as in writs of Couenant, whereupon fines are leuied. The end and effect of such recoueries, is to discontinue and destroy estates tailes, remainders and reuersions, and barre the former owners thereof.

The demandant is he that bringeth the Writ of Entre, and may be termed the recoueror.

The tenant is he against whom the Writ is brought, and may be termed the recouerie.

The vouchee is he whom the tenant voucheth, or calleth to warrantis for the land in demand.

And such persons may be demandants, tenants, and vouchées, in these recoueries, as may be conisors and conisees, in Writs of Couenant, and by such names, Mutatis mutandis. Sauing that if any recouerie be had against any tenant in taile, the reuersion or remainder being in the King, of the gift of the King, or of any of his Maiesties progenitors, Kings of England: such recouerie will neither barre the issue in taile of his Entrie, nor discontinue his estate, nor plucke such reuersion or remainder out of his Maiestie, 34 H. 8. c. 20. Quere tamen si tiel recouerie barre lissue in taile, during the continuance of the estate taile, Dyer fol. 132. pl. 1.

Item, before such persons, by such meanes, and in such manner may warrants of Attorney bee knowledged and certified, as fines knowledged in the Countie: sauing that the recognisance of warrants of Attorney may be taken by any Justice or Serieant, without a Writ of Dedimus potestatem. And fines must be paid vpon Writs of Entre, as vpon Writs of Couenant. And all such Writs of Entre, must be signed by the Kings Attorney before they can be sealed.

In a recouerie with double voucher, the fine must be sued first, to make him tenant at the time of the Writ of Entre brought, for euerie Writ of Entre must alwaies be brought against him that is tenant of the freehold of the land demanded at the time of the Writ brought. 18. R. 2. & Dyer fol. 252. pla. 98. for that, that the estate of the Tenant

in.

in taile which is bouche, is barred in respect of the assets onely, which is, or may be recouered in value, Plow. Bassets vers Manxel fol. 11.a. and of execution sued by the tenant against him.

And if the tenant haue but an estate for life, or in dower, or by the curtesie: then to haue a good recouerie thereof, it is meet that such tenant make a conditionall surrender of his estate to him in the reuersion, or remainder, to the end he may be a perfect tenant of the inheritance, and then to bring the Writ of Entre against him: and after that the recouerie is executed, the particular tenant for breach of the condition may enter and enioy his terme notwithstanding such surrender.

See the like surrender in the Chapter of Surrenders, in the first part of Symboleography.

Of what things Writs of Entre *may be brought, and by what meanes.*

PRæcipe quod reddat lyeth, de vna acra terræ aqua cooperta, vel de Sect. 2.
acr̃ terr̃ 12 H.7.fol.4.de gurgite 10.E.3.& 14.Ed.3. 842. Fi.na. br.fol.191.h.Et de passagio vltra aquam Fit.na.br.fol. 191.i. de ballina 34.Ed.3.423. de officio 27.H.8.fol.12. de aduocac' Eccl', aut de quarta parte decimar̃ 34.Ed.3.de portion̄ de cimarū Dyer fol. 84.pla. 83.de quadam parcella terrę, Dyer fol. 84.pla. 83.de custod̃ terræ & hered̃, siue custod̃ terrę, Register 161.22.Ed.3.fol.19.

Præcipe quod reddat lyeth of all manor of Ecclesiasticall or Spirituall profits: vt de rectoria, vicaria, porcionibus, pentionibus, decimis &c. per statut̃ 31.H.8.c.7. de omnibus, & omnimodis decimis maior̃ mixtis & minutis infra villam siue hamlet̃ de B. in paroch' de A. quoquo modo crescent̃, contingen̄, ac annuatim renouan̄, &c. Thel.li.8.c.9.S.2. de quarta parte decimar̃ & oblationum Eccl' san&' P. &c. 16.Ed.3. de quad̃ porcione decimar̃, or terræ, not shewing how much, 1.H.4.fol.1. Dyer fol.84.pl.83.84.85.& 86. In old time de hida terræ, p Glanuile de caruca terrę.4.E.3.161.de bouat̃ terrę, 6.Ed.3.291.de sex pedibus fr̃ę in longitudine, & quatuor pedibus in latitud̃ 14.Ass.13.

A Præcipe quod reddat lieth de tofto & situ molendini 14.Ed.3. de hundredo de C. & balliuat̃ de B. 34.Ed.1.3.E.3.de past. ad sex boues, 3. Ed.3.f.23.4.E.2.de roda terrę 3.E.5.de aduocatione 34. *E.*1.de quadam portione terræ 11.H.4.fo.40.5.H.7.fo.9 de medietate vnius rodę terrę 41. *E.*3.de shopa, Regist̃ f.3.a.de 4. acr̃ alnet̃ 11.Ass.13. de turbar̃, by the name of More 8. *Ed.*3.f.387. and it lyeth in a Lawne and not in a Hamlet, 8. *E.*3.f.55.7. *E.*3.9.

Of

Of what things a writ of Entrie lieth not.

Sect. 3.

PRecipe q̄ reddat lyeth not de foſſato nec de ſtagno, nec de piſcaria 8 E. 3. 381. nec de aduocatione decimarum vnius carucat̄ terræ, Reg. f. 29. nec de communia paſt. 27 H. 8. f. 12. de eſtouerijs 2 E. 3. de homagio & fidelitat̄, nec de ſeruitijs faciendis, 6 E. 2.

A Precipe qd reddat lyeth not d̄ bouat̄ mariſci 13 E. 3 f. 3. d̄ ſelione tr̄, E. 1. for the incertaintie, becauſe a Selon, which is a land, ſomtime containeth an acre, ſometime halfe an acre, ſometime more, and ſomtimes leſſe. It lieth not of a garden, cottage, or croft, 14 Aſſ. 13. 8 Hen. 6. 3. 22 E. 4. 13. de vergata terræ, 41. 43. 13 E. 3. de fodina, de minera, de mercatu, 13 E. 3. for they lie not in Demeſne but in Gaine, nec de ſuperiori camera, 3 H. 6. fol. 1.

A writ of entrie ought not to contain one ſelf thing twice, as a meſſuage, and a houſe parcell of the ſame meſſuage, 2. E. 4. f. 28. 76 E. 3. f. 26. Nor to name a town and a hamlet within the ſame town, 22 E. 3. f. 14. 41 E. 3. f. 22.

In euery Warrant of atturnie it is good to put two atturnies at the leaſt for feare of death.

In a Counties Palatine, as Lancaſter, Duriſme, Cheſter, &c. may be put in a warrant one Atturnie, and one of the Juſtices Clarks.

If the writ of Entrie be returnable Craſtin̄ Martin̄, the writ of Summons ad warr̄ thereupon muſt beare Teſte from the returne of Craſtin̄ Martin̄, and be returnable nine returnes after the returne of the Writ of Entre incluſiue; that is, accounting Craſtino Martini for one of the nine returnes, and tres Paſchę, which is the ninth returne after Craſtino Martini, for another, and the Teſte of the Writ of Seiſin muſt be the day of that ninth returne, and be returnable 15 dayes after. Then the writ of Seiſin may be returned, that ſeiſin was deliuered by vertue thereof to the demandant, by the Sherife of the County where the lands lie, vpon any day (not being Sonday) between the Teſte and the return of the ſaid writ of Seiſin. Then the Writs of Entre, Summons, and Seiſin muſt be returned and filed with Cuſtos breuiū, and the iudgement entred by the Prothonotarie, and the warrants of Atturney by the Clarke of the Warrants.

If a ſingle recouery and a fine be againſt the tenant, the Writ of Entre muſt beare date and teſte before the writ of Couenant, & be returned before.

If a writ of Couenant be brought againſt the tenant, and a writ of Entre againſt the demandant: then the Writ of Couenant muſt beare date, and be returned before the writ of Entre, and this is called a double voucher.

A Certiorari to the executor of the Iustice, before whom the warrants were acknowledged.

ELiz. Dei gratia Angl', Franc' & Hiberñ, Regñ, fidei Defensor, &c. dilecto sibi I.R. arm̃ executori testamenti Fr.R. nuper vnus Iustic. nostrorum de Banco salutem. Volentes certis de causis certiorari tam super quodã warrant̃ atturñ per quod H.S. posuit loco suo W.B. & R.C. coniunctim & diuisim versus R.P. alias W. & R.H. de placito tr̃ in comitatu E. q̃ super quodam alio warrant̃ atturñ per quod H.L. & I.L. quos pred̃ H.S. voc' ad warrant̃, posuerunt locis suis A.B. & F.R. coniunctim & diuisim vers. præd̃ R. & R.H. de pl̃ terræ in dicto comit̃ E. per pref. F.R. nuper capt̃, ac in custod̃ tua ratione executionis testamenti pred̃ existen, vt dicitur. Tibi præcipimus quod warr̃ pred̃ Iustic' nostris de banco apud Westm̃ sub sigillo tuo distincte & aperte sine dilatione mittas & hoc breue, vt ijdem Iustic' inspect' warrant̃ p̃d̃ vlterius in quodam breui nostro de Ingr̃ p̃deñ coram pref. Iustic' nostris apud Westm̃ inter pref. R. & R.H. & p̃d̃ H.S. de vno messuag. &c. cum pertinentijs in T. & D. in comit̃ prędicto, & pro cess. inde fieri facias, quod de iure, & secundum consuetudinem regni nostri Angl' fuerit faciend̃. T. meipsa apud Westm̃ 29 die Nouemb. Anno regni nostri 34. Sect. 4.

It is returned thus:

Respons. infranominati I.R. ad hoc breue.

Execuc' istius breuis patet in quadam schedula huic breui annex'

Ebor. ss. Prec' H.S. quod iuste, &c. Redd̃ R.P. alias W. & R.H. vnum messuagium, &c. cum pertinentijs in T. & D. qd clam̃ &c.

Ebor. ss. H.S. po, lo, suo W.B. & R.C. coniunctim & diuisim versus R.P. alias W. & R.H de pl̃ terr̃.

Ebor. ss. H.L. & I.L. quos H.S. voc' ad warr̃ po, lo, suo A.B. & F.R. coniunctim & diuisim versus R.P. alias W. & R.H. de placito terræ.

Capt̃ et cognit̃ apud W. in com̃ C. xvij die Febr̃. anno regni Dom̃ Eliz. &c. 34.

I.R.

A recouerie with single voucher. Sect. 5.

Ebor. ss. PRec' G.C. arm̃, qd iuste, &c. redd̃ R.C. & R.I. vnum messuagium, et quatuor acras terr̃ cum pert̃ in T. q̃ clam̃ &c. Et in q̃, &c. Et nisi, &c.

G.C. po, lo, suo N.M. et M.M. attorñ suos coniunctim et diuisim versus R.C. et R.I.

Of what things a writ of Entrie lieth not.

Sect. 3.

PRecipe q reddat lyeth not de foſſato nec de ſtagno, nec de piſcaria 8 E. 3. 381. nec de aduocatione decimarum vnius carucat terræ, Reg. f. 29. nec de communia paſt. 27 H. 8. f. 12. de eſtouerijs 2 E. 3. de homagio & fidelitat, nec de ſeruitijs faciendis, 6 E. 2.

A Precipe qd reddat lyeth not d bouat mariſci 13 E. 3 f. 3. d ſelione tr, E. 1. for the incertaintie, becauſe a Selon, which is a land, ſomtime containeth an acre, ſometime halfe an acre, ſometime more, and ſomtimes leſſe. It lieth not of a garden, cottage, or croft, 14 Aſſ. 13. 8 Hen. 6. 3. 22 E. 4. 13. de vergata terræ, 41. 43. 13 E. 3. de fodina, de minera, de mercatu, 13 E. 3. for they lie not in Demeſne but in Gaine, nec de ſuperiori camera, 3 H. 6. fol. 1.

A writ of entrie ought not to contain one ſelf thing twice, as a meſſuage, and a houſe parcell of the ſame meſſuage, 2. E. 4. f. 28. 76 E. 3. f. 26. Nor to name a town and a hamlet within the ſame town, 22 E. 3. f. 14. 41 E. 3. f. 22.

In euery Warrant of atturnie it is good to put two atturnies at the leaſt for feare of death.

In a Counti Palatine, as Lancaſter, Duriſme, Cheſter, &c. may be put in a warrant one Atturnie, and one of the Juſtices Clarks.

If the writ of Entrie be returnable Craſtiñ Martiñ, the writ of Summons ad warr thereupon muſt beare Teſte from the returne of Craſtiñ Martin, and be returnable nine returnes after the returne of the Writ of Entre incluſiue; that is, accounting Craſtino Martini for one of the nine returnes, and tres Paſchę, which is the ninth returne after Craſtino Martini, for another, and the Teſte of the Writ of Seiſin muſt be the day of that ninth returne, and be returnable 15 dayes after. Then the writ of Seiſin may be returned, that ſeiſin was deliuered by vertue thereof to the demandant, by the Sherife of the County where the lands lie, vpon any day (not being Sonday) between the Teſte and the return of the ſaid writ of Seiſin. Then the Writs of Entre, Summons, and Seiſin muſt be returned and filed with Cuſtos breuiũ, and the iudgement entred by the Prothonotarie, and the warrants of Atturney by the Clarke of the Warrants.

If a ſingle recouery and a fine be againſt the tenant, the Writ of Entre muſt beare date and teſte before the writ of Couenant, & be returned before.

If a writ of Couenant be brought againſt the tenant, and a writ of Entre againſt the demandant: then the Writ of Couenant muſt beare date, and be returned before the writ of Entre, and this is called a double voucher.

A Certiorari to the executor of the Iustice, before whom the warrants were acknowledged.

ELiz. Dei gratia Angl', Franc' & Hiberñ, Regñ, fidei Defensor, &c. dilecto sibi I.R. arm̃ executori testamenti Fr.R. nuper vnus Iustic. nostrorum de Banco salutem. Volentes certis de causis certiorari tam super quodã warrant̃ attorñ per quod H.S. posuit loco suo W.B. & R. C. coniunctim & diuisim versus R.P. alias W. & R.H. de placito tr̃ in comitatu E. q̃ super quodam alio warrant̃ attorñ per quod H.L. & I.L. quos pred̃ H.S. voc' ad warrant̃, posuerunt locis suis A. B. & F.R. coniunctim & diuisim vers. præd̃ R. & R.H. de pl̃ terræ in dicto comit̃ E. per pref. F.R. nuper capt̃, ac in custod̃ tua ratione executionis testamenti pred̃ existen, vt dicitur. Tibi præcipimus quod warr̃ pred̃ Iustic' nostris de banco apud Westm̃ sub sigillo tuo distincte & aperte sine dilatione mittas & hoc breue, vt ijdem Iustic' inspect' warrant̃ pd̃ vlterius in quodam breui nostro de Ingr̃ p̃deñ coram pref. Iustic' nostris apud Westm̃ inter pref. R. & R.H. & pd̃ H.S. de vno messuag. &c. cum pertinentijs in T. & D. in comit̃ prędicto, & pro cess. inde fieri facias, quod de iure, & secundum consuetudinem regni nostri Angl' fuerit faciend̃. T. meipsa apud Westm̃ 29 die Nouemb. Anno regni nostri 34. Sect. 4.

It is returned thus:

Respons. infranominati I.R. ad hoc breue.

Execuc' istius breuis patet in quadam schedula huic breui annex'

Ebor. ss. Prec' H.S. quod iuste, &c. Redd̃ R.P. alias W. & R.H. vnum messuagium, &c. cum pertinentijs in T. & D. qd clam̃ &c.

Ebor. ss. H.S. po, lo, suo W.B. & R. C. coniunctim & diuisim versus R.P. alias W. & R.H de pl̃ terr̃.

Ebor. ss. H.L. & I.L. quos H.S. voc' ad warr̃ po, lo, suo A.B. & F.R. coniunctim & diuisim versus R.P. alias W. & R.H. de placito terræ.

Capt̃ et cognit̃ apud W. in com̃ C. xvij die Febr̃. anno regni Dom̃ Eliz. &c. 34.

I.R.

A recouerie with single voucher. Sect. 5.

Ebor. ss. PRec' G.C. arm̃, qd iuste, &c. redd̃ R. C. & R.I. vnum messuagium, et quatuor acras terr̃ cum pert̃ in T. q̃ clam̃ &c. Et in q̃, &c. Et nisi, &c.

G.C. po, lo, suo N.M. et M.M. attorñ suos coniunctim et diuisim versus R.C. et R.I.

A Recouerie with double voucher.

Sect. 6. *Derby.ff.* PRęc' N.L.et M.vxori eius,quod iuſte,&c. redd' T.S.& T. C.maneria de N.M.et P.cum pertiñ,ac 30.meſſ. 30.toſta, 5.molendina,30.gardiñ,30.pomaria,1000.acr̃ terr̃,1000.acr̃ prati,50 acr̃ paſtur̃,40. acr̃ boſci, 1000. acr̃ moræ,200. acr̃ iampnor̃ et bruere, et 3.libras reddit̃ cum pertiñ in N.M.P.P.et B.quæ clam̃ eſſe ius et hered̃ ſuam,et in quæ idem N.et M.non habet ingreſſ. niſi poſt diſſeiſinã quam H.H.iniuſte et ſiue iudicio fecit p̃fat̃ T.et T.infra 30.Annos iam vltimo elapſos,&c. vt dic',vnde queꝝ &c.Et niſi,&c.

Derby.ff. N.L.& M.vxor eius po;lo; ſuo,T.B.et W.B.attorn̄ ſuos coniunctim et diuiſim verſus T.S.et T.C.de placit̃ terr̃ ad lucrãd̃ vel perdendum.

Derby.ff. W.B.et T.F.quos N.L. et M. vxor eius vocant ad Warr̃,po; lo; ſuo,P.P.et Q Q.attorn̄ ſuos coniunctim et diuiſim verſus T.S,et T.C.de placit̃ terre ad lucrandum vel perdendum.

A Recouerie with treble voucher.

Sect. 7. *Eſſex. ff.* PRæc' R.B.et C.S. quod iuſte,&c. reddant A.T. armiger̃, maner̃ de B.et Q.cum ptiñ, ac 20.meſſu', duodecim toſta,quatuor columbar̃,mille acr̃ terrę,cent̃ acr̃ prati, centum acr̃ paſtur̃, C.C.acr̃ iampnor̃ et bruere, centũ acr̃ moræ,et triginta ſolid̃ et vnum obl' reddit̃,ac reddit̃ vnius librę et dimidij piperis,et vnius grañ piperis cum ptiñ in B.et Q.Ac liberam piſcariam in aqua de W.necnon aduocac' eccleſ.de B.quæ clam̃,&c.

Eſſex. ff. R.B. et C.S.po; lo; ſuo,W.W.et R.R.attorn̄ ſuos cõiunctim et diuiſim verſus A.T.de placito terrę.

Eſſex.ff. M.M.geñ quem R.B.et C.S. vocant ad warrant̃ po;lo;ſuo, I.I. et L.L. attorn̄ ſuos coniunct̃ et diuiſim verſus A.T. de placito terræ.

Eſſex.ff. G.W.geñ quem M.M.voc' inde ad warrant̃ po, lo, ſuo R. G. et R.S.attorn̄ ſuos cõiunct' et diuiſim verſus A.T.de plac' terr̃.

A Recouerie of aduowſon in the Countie Palentine of Cheſter.

Sect. 8. PLacita apud Ceſtr̃ coram R.T.milit̃ Iuſtic'dn̄ę Reg. apud Ceſtr̃ de Seſſione tent̃ ibid̃ die Lunæ vltim̃ die Septemb. ann̄ regni Eliz. dei gratia Angl', Franciæ, et Hiberñ Reg. fidei defenſor̃, et in terr̃ Eccleſ.Anglican̄ et Hiberñ ſupremi capitis 35.

Cheſtr.ſs. H.S. armig' per T.B. attorn̄ ſuum, petit verſus H.G. armig' aduocationem Eccleſ.de T. quam ei iniuſte deforc',&c. Et vnde dic' quod

quod ipsimet fuit seisitus de aduocac' Ecclesiæ p̄d vt de feodo & iure infra 20 annos iam vltimo elapsos, tempore pacis, tempore d̄ni Reg. nunc & sic inde seisit eodē tempore ad eandem Ecclesiam presentauit quendam R.A. Clericum suum, qui ad presentationē suam fuit admissus, institutus, & inductus in eadē: Capiendo inde explec' vt in grossis decim̄, minutis decim̄, oblationibus, et obuencionibus ad valenc' &c. vt de iure Eccles. suæ præd' &c. Et q̄ tale sit ius suum offert, &c.

All the parts of a Recouerie in a Writ of Right de Præcipe in Capite *exemplified.*

IAcobus Dei gratia, &c. Omnibus ad quos presentes literæ patentes peruenerint salutem. Sciatis quod I. Comes S. in Curia nostra coram Iusticiar̄ nostris apud Westm̄ per breue n̄rm de Recto de Præcipe in capite, petijt versus T.B. seniorē & I. vxorē eius manerium de C. cum pertin̄, ac vnum messuag', 50. acr̄ terræ, 50 acr̄ prati, &c. cum pertin̄ in C. B. et H. iuxta T. vt ius et hered̄ suam: Quod quidem breue vna cum retorn̄ eiusdem, ac placitum super idem breue cum omnibus alijs placitum illud tangentibus sequitur in hæc verba. Sect. 9.

Iacobus Dei gratia &c. Vicecom̄ Heref. salutem. Præcipe T.B. seniori & I. vxori eius, q̄ iuste & sine dilatione reddant I. Comiti Salop̄ manerium de C. cum pertin̄, ac vnum messuag' &c. cum pertin̄ in C. B. & H. iuxta T. quę clamat esse ius & hered̄ suam, et tenere de nobis in capite. Et vnde queritur q̄ p̄d T. & I. ei iniuste deforceāt. Et nisi fecerint, Et p̄d Comes fecerit te securū de clamore suo prosequen̄. tūc sum̄ p bonos summon̄ p̄d T. et I. q̄ sint coram Iustic' nostris apud West. a die Paschæ in quindecim dies, ostens. quare non fecer. Et habeas ibi sum̄, & hoc breue. Teste meipso apud W. 2. die Apriſ Anno Reg. nostri tertio Le briefe.

Pleg' de prosequend R.D. & I.R.

* Responsio I S. Militis Vicec' Sumn̄ T. B. & I. vxor̄ eius infrascript̄ H.F. & R.L. Retutne indes

Placit̄ apud West. coram I.P. et socijs suis Iustic' d̄ni Reg. de banco de termino Paschæ anno Reg. &c. 3. Rotulo C.C.

* Heref. ff. Ioh. Comes Salop̄ p I.S. Atturn̄ suum pet̄ versus T.B. sen̄ et I. vxor̄ eius, manerium de C. cum pertin̄, ac vnum mes. &c. cum ptin̄ in C. B. et H. iuxta T. p breue dom̄ Reg. de precipe in capite &c. Le dem.

* Et vnde dicit q̄ ipsemet fuit seisitus de manerio, messuag', terris &c. cum pertin̄, in dominico suo vt de feodo et iure tempore pacis tēp̄ore dom̄ Reg. nunc capiendo inde explec', ad valentiam &c. Et quod tale sit ius suum offert, &c. Le Count.

* Et p̄d T. et I. per W.B. Atturnatum suum, venerunt et defendunt ius Le defend.

p̄d

præd' Comitis & seisinam suam, & maxime de manerio, mes. &c. ei warr' &c. et super hoc præd' Comes petit versus ipsum W. P. manerium, mesuagium &c. cum pertin in forma præd' &c. Et vnde dic' qd ipsemet fuit seisitus de præd' manerio, mesuag', &c. cum pertin in dominico suo vt de feodo & iure, tempore pacis, tempore dñi regis nunc capiend' inde explec' ad valentiam &c. Et qd tale sit ius suum offert &c.

Le dd.

Le defence.

Et præd' W. P. tenens per warr' suam defendit ius præd' Comitis & seisinam eius et maxime de manerio, mesuag', terris &c. cum pertin et totum &c. Et ponit se inde in magnam assisam dom' reg' & petit recog' fieri vtrum ipse maius ius habeat tenend' manerium, mesuag' terr', &c. cũ pertin, vt tenens p warrant' suum, vt ea tenet, an præd' Comes habend' manerium, mesuag', terras &c. cum pertin, vt ea superius pet' &c. Et præd' Comes petit licentiam inde interloquend' &c. Et habuit &c.

Issue ferra le graund assis.

Li. lo.

Default & iudgement.

Et postea idem Comes per Atturnatum suum prædict' venien' hic in Curia, & præd' W. P. licet solemniter exact', non venit, sed in contempt' Cur' defaltum fec'. Ideo consideratum est qd præd' Comes recuperet seisinam suam versus præd' T. et I. de præd' manerio, mesuag' &c. cũ pertin, tenend' eidem Comiti et hered' suis quiete de præd' T. et I. & hered' suis imperpetuum.

Et præd' T. et I. habeant de terris præd' W. P. ad valentiam manerii mesuag', terr' &c. præd' cũ pertin. Et præd' W. P. in misericordia &c.

Warrant. Atturnat. inde sequitur in hac verba.

Pone. Ll. John. Comes Salop. po. lo. suo I. S. versus T. B. seniorem & I. vxor' eius de placito terræ.

Pone. Ll. T. B. senior & I. vxor eius, po. lo. suo W. P. versus Io. Com Salopi de placito terræ.

Quæ omnia et singula ad requisitionẽ præd' Comitis exemplificari, fecimus, & magnum sigillum nr̃m, quo vtimur ad hmdi exemplificationes, necnon ad quecunq; brevia iudicialia extra bancum præd' exeũt sigilland', præsentibus apponi fecimus. Teste I. P. apud West. 18 die Maij anno regni nostri tertio.

Remissio Curiæ in breui de Recto.

Sect. 19.

EXcellentissimo Principi domino I. Dei gratia &c. T. W. salutem in eo per quem reges regnant, et Principes dominantur. Quia A. in cur' vra corã Iustic' vestr' de banco per br̃e vestr' de recto D. B. de vno mes-suag' cum pertin in S. qd de me tenetur, licentia mea mediante proponit implacitare, vestræ celsitudini regiæ, tenore presentiũ significo me Cur' meum vobis inde hac vic' remisisse. Saluo mihi, allas iure dñij casu consimi-

consimili cum acciderit. In cuius rei testimon has literas meas feci patentes, sigillo meo signat. Dat 3. die Maij, Anno regni &c.

The exemplification of a Recouerie inrolled according to the Statute of 24. Eliz. cap. 3.

Sect. 11.

ELizabeth dei gratia Angl', Franc', et Hiberniæ, regina fidei defensor &c. Omnibus ad quos presentes literæ nostr̃ peruenerint salutem. Sciatis quod inter irrotulamenta br̃um et aliorum dependen̄ pro communibus recuperationibus secund̄ formam statuti de termin̄ Paschæ apud Westm̄ ann̄ reg. nostri 29. Rot' primo continetur sic. Esſex ſſ.* Elizabeth dei gratia, Angl', Franc' & Hiber̄ reg. fidei defensor &c. vic' Essex salutem. Præc' I. W. et I. S. quod iuste et sine dilatione reddāt Io. St. et R. P. quatuor mesuag', quatuor gardina, 200. acras terræ, 100. ac̄ prati, 300. acras pasturæ, 40. acras bosci, & 300. acras iampnor' & bruer̄, cum pertin̄, in B. T. T. C. D. et H. quæ clamant esse ius & hered̄ suam. Et in quę idem I. W. & I. S. non habeant ingres. nisi post disseisinā quam H. H. inde iniuste et sine iudicio fecit præd' I. S. et T. infra triginta annos iam vltimo elapsos vt dicunt. Et vnde queruntur q̄ præd'o I. W. et I. S. eis deforc'. Et nisi fecerint et pręd' I. S. & Th. fecer' te secur' de clamore suo pros. tunc summ̄ per bonos summ̄ præd' I. W. & I. S. q̄ sint coram Iustic' nostris apud Westm̄ 2 die S. Mich' in quindecim dies, ostensuri quare non fecerint. Et habeas ibi summ̄ et hoc breue. Teste meipsa apud Westm̄ 24. die Septem. anno regni nostr̄ decimo.* Gibon. pleg' de pros. Io. Doo. Rich. Roo.* Summ̄ Ioh. Den. Rich. Fen.* G. T. armig' vic' ſſ.

The Doctor which tooke the Affid. for the value. Pledges. Summoners. The Sherifes name. Summons and warrant.

Eliz. dei gratia Angliæ, Franciæ, & Hiberniæ, regina fidei defens. &c. Vic' Esſex salut̄, Summ̄ per bonos summ̄ E. W. armiger̄ & vxor̄ eius quod sint coram Iusticiarijs nostris apud Westm̄ 2 die S. Hillarij in 15. dies ad warr̄ Ioh. W. et I. S. quatuor mesuag', quatuor gardin̄, 300. acras terræ, 100. ac̄ prati, 300. ac̄ past̄, 40. acras bosci & 300. acras iampnorum & bruer̄, cum pertin̄ in B. T. T. C. D. & H. q̄ Io. St. & Tho. P. in curia nostra coram Iustic' nostris apud Westm̄ clam̄ vt ius suum per breue nostrum de ingres. super disseisinam in le post vers. eos. Et vnde ijdem Ioh. W. & I. S. in ead' curia nostr̄ voc' præd' Edm. et Ioh. summ̄ in com̄ tuo ad warr̄ versus eos. Et habeas ibi summ̄ &c. hoc breue. T. I. D. apud Westm̄ 16. die Octobris, anno regni &c. decimo. Lone. Summ̄ Iohannes Den, Richardus Fen.* T. L. arm̄ vic' ſſ.* Io. St. & Tho. po: lo: suo R. E. versus Iohannem W. & I. S. de placito terræ ſſ. Iohannes W. & I. po: lo: suo I. A. versus Io. S. & Tho. P. de placito terræ ſſ. Edm. W. armig' & Ioh. vxor eius quos Iohan. W. & I. S. vocāt ad warr̄ po: lo: suo R. C. versus Io. S. & Tho. P. de placito terræ. Quia omnia & singula ad requisition̄ W. W. gener' tenore præsentium

The Protho-notarie in whose office it is entred. Summoners. The Sherife. The warrants of atturney.

duximus

duxim exemplificand', In cuius rei Testim sigill' nostr' ad br̃ia in banco sigilland' deputat' presentibus appon' fecimus T.F.W.P. & F.R. Iust' de banco prædict' apud Westmon xvj. die Iunij anno regni nostri vicesimo nono.

M. The Iudges which examined their inrolment. M.W.P. and R.

Pardon' alien' super terr' per breue de Ingressu recuperat'.

Sect. 12. REgina, Omnibus ad quos &c. salut. Cum prædilectus et fidelis cõsanguineus nostr' T. Dux Norff. Com Maresc' Angliæ, & prænobilis ordinis garter'. Mil', ac dilect' et fideles nostri W.C. Miles principal' Secretar' nostr', R. Catl' miles, nuper scilicet term &c. anno Reg. nostr' &c. recuperauer' versus prædilectum & fidelem consiliarium nostrum N.B. Milit' dñum custod' magn' sigil' nostri Angl', ex eius assensu & ad eius requisition per br̃e nostrum de ingressu super desseisinam in le post, scdm cursum formam & vsum communiũ recuperation man de Redgraue &c. in com nostr' Suff. ad diuersos seperales vsus, intention, condition' & ꝓpositi specificat et declarat' in quibusdam Indentur' factis inter ipsum N. ex vna parte & prefatos ducem W.R. &c. ex alter' parte gerent' dat' secundo die Octob. anno Reg. nostri prim prout per easdem Indentur' plenius appar', cumque etiam idem dux W.R. &c. in maner', terr', tenement', et cetera permissa cum ptin virtute recuperac' prædict' intrauer', licentia nostr' Regia inde prius non obtent', Et de eisdem premissis fuerunt seisit' in dominico suo vt de feodo, ad vsus, intentiones, & proposita in præd Indentur' specificat' & declarat'. Quæ quidem Maner', messuag', terræ, tenement', & cetera premissa de nobis tenent' in capite, vt dicitur, Sciatis quod nos de gratia nostra speciali ac ex certa sciẽtia & mero motu nostris, saluo nobis homag' nostr' perdonamus, remittimus, & relaxamus pro nobis hered' & successor' nostr' trangress. in ea parte fact' ac omnimod' intraciones, & ingressus in predict' Maner', terr', tenement' & cetera premissa, seu aliquam inde partẽ siue parcel', tam ante presentem diem quoquo modo fact', siue perpetrat', quam impostet' ration alicuius vsus in prædict' Indentur' specific' seu declar' fiend' seu habend'. Et vlterius concessimus, ac ꝓ nobis her' & successor' nostr', quant in nobis est, per presentes concedimus præfat' duci W.R. &c. quod ipsi maner', messuag', terr', & tenement' prædicta ac cetera premissa cum omnibus & singulis suis exit', reddit', profic' iis & pertin quibuscumq; (except' pr̃e except') habeant & teneant sibi ac hered' & assign suis ad vsus, intentiones & proposita in Indentur' ꝑdict' content' & specificat', de nobis hered' & successor' nostris per seruitia inde debita, et de iure consueta imperpet', absq; impet', molest', vexacion, impedimento, seu grauamine nostri heredum vel successor'

nostr',

noſtr. aut aliquor Iuſtic', Eſcaetor, vicecom, balliuorum, aut aliorum officiar miniſt. ſeu ſubditor noſtror, aut hæred vel ſucceſſor, noſtror quorumcunque, In cuius rei, &c.

And it is to be noted, that of all licences to alien temporall land in Mortmaine, the fine to the king is fiue yeares value of the ſame.

Of all licences to alien ſpirituall land, (as appropriations of Churches, or other benefices Spirituall) the fine to the King is foure yeares value thereof.

Of all licences of alienation made of lands holden of the King in Capite, the fine is the third part of the value, the tenth deducted.

Of all pardons of alienation by the Kings tenant in Capite, the fine is one yeares value thereof.

Of all licences of Marriage of the Kings Widowe, the fine is the 3. part of the value of her dower by a yeare.

Of all pardons of the Kings Widowes maried without licence, the fine is the whole value of her dower by a yeare.

Exemplification of a recouerie with double voucher out of the Prothonotaries office.

IAcobus Dei gratia Angliæ, Scotiæ, Franciæ, & Hiberniæ, Rex fidei defenſor, &c. Omnibus ad quos preſentes literæ noſtræ peruenerint ſalutem. Sciatis q̃ inter placita terræ irrotulat̃ apud Weſt. coram E. A. Milite et ſocijs ſuis Iuſtic' noſtris de banco. Termin̄ S. Hil' ann̄ Regni noſtri 2. Rot. x. continetur ſic. Sect. 13.

Eborum. ff. Fr. W. & R. S. in proprijs perſonis ſuis, pet̃ verſus I. R. duodecim acr̃ prati cum pertin̄ in M. & K. vt ius & hereditatem ſuam Et in quas idem I. non habet ingreſſum, niſi poſt diſſeiſinam, quam H. H. inde iniuſte & ſine iudicio fecit præfat̃ Fr. & R. infra triginț ann̄, &c. * Et predict' I. per W. W. Atturnat̃ ſuum venit, & alias voc. ad warr̃ T. R. Armigerum, qui modo per ſum̄ ei in com̄ pred̃ fact. per T. L. Atturnatū ſuum, venit & g atis predictas duodecim acr̃ prati cum pertinentiis ei warrant̃, &c. * Et ſuper hoc predict. Fr. & R. pet̃ verſus ipſum T. tenen̄ per warran̄ ſuam predictas duodecim acras prati cum ptin̄ in forma predicta, &c. * Et vnde dic. quod ipſimet fuerunt ſeiſiti de pred̃ duodecim acr̃ prati cum ptinentiis in dominico ſuo vt de feodo, et iure tempore pacis, tempore domini Regis nunc capiendo inde explec. ad valenc. &c. Et in quas, &c. Et inde product. ſectam, &c. * Et predict. T. tenens per warr̃ ſuam defendit ius ſuum quando, &c. * Et vlterius voc. inde ad warr̃ R. H. qui preſens eſt, hic in Curia in propria perſon̄ ſua. Et gratis predict. duodecim acras prati cum pertinentiis ei warr̃, &c. * Et ſuper hoc pred̃ Fr. & R. S. pet. verſus ipſum R. H. tenen̄ per warr̃ ſuum

Voucher.

Le dd' verſ. le 1. vouchee.

Le count.

Vouch ouſtr. Le defence.

Dd' verſ. 2. Vouchee.

Le Count. suam prædict' duodecim acr' prati cum pertinentijs in forma prædict' &c. *Et vnde dicit q; ipsimet fuerunt seisiti de prædict' duodecim acr' prati cum ptinen' in dominico suo de feodo & jure tempore pacis, tempore Dom' Regis nunc capiendo inde explec' ad valentiã, &c. Et in quas &c. Et inde prodiit sectã, &c. *Et prædict' R. H. tenens per warr' suã defendit ius suum quando, &c. *Et dicit qd' prædict' H. non disseisiuit præd' Fr. & R. S. de prædict' duodecim acr' prati cum pertinentijs, put' iidem Fr. & R. per breue & narrationem suam prædict' super ius supponunt. Et de hoc ponit se super patriam, &c. Et prædict' Fr. & R. S. per licentiam inde interloquendi. Et habent, &c.

Default. Iudgment. Et postea iidem Fr. & R. venerũt hic in curia isto eodẽ termino in proprijs persoñ suis. Et prædictus R. H. licet solemniter exact' non venit, sed in contemptum curiæ recessit, & defaltam fecit. * Ideo consideratũ est quod prædict' Fr. & R. S. recuperent seisinam suam versus præfat' I. de prædictis duodecim acr' prati cum pertinen'. Et quod idem I. habeat de terr' prædict' T. ad valentiam, &c. Et quod idem T. vlterius habeat de terr' predict' R. H. ad valentiam, &c. * Et idem R. in misericordia &c.

Recouerie in value. Misericordia. *Et super hoc prædict' Fr. & R. S. petunt breue dom' Reg' Vicecom' comitat' præd' dirigend' de habere faciend' eis plenariam seisinam de pd' duodecim acr' prati cum pertinen'. Et eis conceditur, returnabile hic à die Paschæ in quindecim dies &c. Quæ omnia & singula ad requisitionem predict' Fr. & R. S. tenore pſentium duximꝰ exemplificandum. In cuius rei Testimonium, sigillum nostrum ad breuia in banco predict' sigillandũ deputat' pſentibus apponi fecimus. Teste E. A. apud Westm duodecimo die Februarij, Anno Regni nostri, &c.

When the writ of Seisin is returned, the returne thereof must be entred vpon the same Roll, whereon the iudgement was entred, as appeareth in the end of the next section.

Another to the like effect.

Sect. 14. Dd' vers acr'. IAcobus Dei gratia Angliæ, Scotiæ, Francię, & Hiberñ Rex fidei defensor, &c. Omnibus ad quos presentes literæ nostræ peruenerint salutem. Sciatis quod inter placita terrę irrotulat' apud Westm coram E. A. milite & socijs suis Iustic' nostris de banco. Termiñ Mich. anñ regñ nostrñ 2. Rot' 12. continetur sic.

Le Count. *Notting.* ff. R. R. & R. B. in proprijs persoñis suis, pet' versus P. T. generosum, & W. H. generosum, manerium de H. & M. cum pertinentijs, ac viginti messuagia, decem tofta, vnum molendinum equinũ, duo columbar', triginta gardina, quingenta acras terræ, ducent' acras prati sexcenta acras pasturę, trescent' acras bosci, mille acras iampnorum

& bruer' quingent' acras more, & 2s. solid' redd' cum pertin' in H. M. D. &c. vt ius & heredit' suam, Et in quæ ijdem P. & W. non habent ingressum nisi post disseisinam, quam H. H. inde inmste & sine iudic' fecit præfat' R. & R. infra triginta annos &c. * Et vnde dicunt quod ipsimet fuerunt seisiti de manerijs, tenementis, et redditu prædict' cũ pertinen' in dominico suo vt de feodo, & iure, tempore pacis, tempore domini Regis nunc, capiendo inde explec' ad valenc', &c. Et in quę, &c. Et inde producunt sectam, &c.

Defence per les terres.

* Et pred' P. et W. in proprijs personis suis venerunt & defend' ius suum quando &c. Et voc' inde ad warr' G. M. generosum, qui presens est hic in Curia in ꝓpria persona sua. Et gratis maneria, tenementa, & redditus pred', cum pertinentijs eis warrant', &c.

Demand' vers Vouchee.

* Et super hoc pręd' R. & R. pet' versus ipsum G. tenen' per warrant' suum maneria, tenementa, et redditus pred' cum ptin' in forma predict' &c. * Et vnde dicunt quod ipsimet fuerunt seisiti de manerijs, tenemẽtis & redditu prædict' cum pertinen', in dominico suo vt de feodo, & iure, tempore pacis, tempore domini Reg' nunc, capiendo inde explec' ad valentiam, &c. Et in quæ, &c. Et inde producunt sectam, &c.

Count.

* Et præd' G. tenens per warran' suũ defendit ius suum quando, &c. * Et vlterius voc' inde ad warrant' D. H. qui similiter pręsens est hic in Curia in propria persona sua, & gratis maneria, tenementa, & reddit' predict' cum pertinentiis ei warrant', &c.

Defence per vouchee. Le renouchet.

* Et super hoc predicti R. & R. petunt versus ipsum D. tenen' per warrant' suum maneria, tenementa, & reddit' predicta cum pertinentiis in forma prędicta, &c. * Et vnde dicunt quod ipsimet fuerunt seisiti de maneriis, tenementis et reddit' predictis cum pertinentiis in dominico suo vt de feodo, et iure, tempore pacis, tempore domini regis nunc, capiendo inde explec' ad valentiam, &c. Et in quæ, &c. Et inde producũt sectam, &c.

D d' vers 2. vouchee. Le Count vers 2. vouchee.

* Et predictus D. tenens per narrationem suam defendit ius suum quando, &c. * Et dicit quod predict' H. non disseisiuit præf. R. & R. de maneriis, tenementis, & redditu pred' cum pertinentiis, ꝓut iidem R. & R. per breue & narrationem suam predictam superius supponũt. Et de hoc ponit se super patriam, &c. * Et pred' R. & R. petunt licentiam inde interloquendi. Et habent, &c.

Defence per 2. vouchee. Non diss'. Li. Lo.

Et postea iidem R. & R. reuen' hic in Curia isto eodem termino in ꝓprijs persons suis. Et prædictus D. licet solemniter exact' non reuen', sed in contemptum curiæ recessit, & defaltam fecit. * Ideo consideratum est quod predict' R. et R. recuperent seisinam suam versus præfatos P. et W. de maneriis, tenementis, et redditu predictis, cum pertin'. * Et quod iidem P. et W. habeant de terra pred' G. ad valentiam, &c. Et quod idem G. vlterius habeat de terr' prædict' D. ad valentiam, &c.

Le default. Iudgmẽt inde. Recouerie in value.

Miserecordia.

Et idem D. in miserecordia, &c. Et super hoc predicti R. & R. petunt breue dom̃ regis vicecom̃ com̃ pred̃ dirigend̃, de habere faciend̃ eis plenariam seisinam de manerijs, tenementis, & redditu pred̃ cum pertinentijs. Et eis conceditur, returnabile hic a die S. Martini in quindecim dies.

Ad quem diem hic venerunt pred̃ R. & R. in ꝓprijs persõnis suis. Et vicecom̃, scilicet I. B. miles, modo mandat qd̃ ipse virtute breuis illius sibi directi vicesimo quarto die No. vltimo preterit, habere fecerit ꝑf. R. & R. plenariam seisinam de manerijs, tenementis, & redditu præd̃, cum pertinentijs, ꝓut per breue illud sibi preceptum fuit, &c. quæ omnia & singula ad requisitiõ pred̃ R. & R. tenore ꝑsentium duxim' exexmpl'. In cui' rei testimonium sigill' nostrum ad breuia in bãco pred̃ sigill', deputat', presentibus apponi fecimus. Teste &c. Ann̄ regni nostr̄, &c.

A Dedimus potestatem to take knowledge of a warrant of Attornie of the Vouchee.

Sect. 25.

REx & regina dilecto & fideli suo Ra. Ro. Seruienti ad legem salutem. Cum breue nostrum de ingressu super disseisinam in le post pendeat coram Iustic' de Banco inter W. S. & R. C. genẽ peten̄, & G. T. milit' dom̃ T. deforc', de Manerio de W. cum ptinẽ ac de vno messuag' ducent' acris terr̃, 60 acr̃ prati, 100 acr̃ pastur̃, 100 acris bosci, 50 acr̃ moræ, & quinq; solidat' reddit' cum pertinen̄ in W. & L. in Comit' Salop, & pred̃ G. in plena Cur̃ nostr̃ ibidem coram Iustic' nostris prædict' comparens vocauit W. C. ad warr̃ ei Maner̃ prædict' cum ptinen̄, super quo tunc & ibidem emanauit breue nostrum de sum̃ ad warr̃ vic' com̃ predict' direct' versus eund̃ W. C. returnabile, cor̃ Iustic' nr̄is ꝑ in quindena S. Hill' prox' futur̃. Et qui predict' W. C. adeo impotens sui & senio confect' existit q; vsq; West. cor̃ Iustic' nostris ꝑ ad diem in dicto breui nostro de sum̃ ad warr̃ content' laborare non suffic' vt accepimus. Nos statui eiusd̃ W. compatientes in hac pte, Ded̃ vobis potest' & plen̄ author' Attorn̄ vel attorn̄, qué vel quos idem W. C. ad warr̃ vocand̃ lucrand̃ vel perdend̃ in placito predicto coram Iustic' nr̄is ꝑ loco suo cor̃ vobis ponere aut constituere voluerit recipiend̃, Nosque inde in Cãcel' nostra de nomine huiusmodi Atturn̄ vel Atturnator' debit' certificand̃. Et ideo vobis mandamus quod ad præf. W. C. si cõmod̃ ad vos laborare uon sufficit personaliter accedatis. Attornq; suum vel Attorn̄ suos coniunctim vel diuisim in forma pred̃ recipiatis. Et cum attorn' illũ vel atturn' illos sic receperitis, nos inde in Canc' nost' in xv. S. Hillarii vbicunque tunc fuer̃ sub sigill' vr̄o debite certificetis, hoc br̃e nobis remittentes. T. &c.

It is returned thus;

Respond. infra nominat' R.R. ad hoc breue.
Execuc' istius breuis patet in quadam schedula
huic breui annex' R.R.

Salop. ff. PRecipe G.T. militi domiñ T. quod iuste &c. reddat W.S. & R. manerī de W. cum pertiñ ac vnum messuag', &c. (vt supr̄ in le Dedim' potestatem verbatim) cum pert̄ in W. L. quæ clamat, &c.

Salop. ff. VOc' ad warr̄ po. loco suo A.B. et F.R. coniunctim et diuisim versus W.S. et R.C. in pl̄ terræ.

Capta et cognit̄ apud Firbeeke in com̄ Ebor̄ decimo die Februarij, Anno regni dom̄ nostrę El. &c. 36.

Ra. Ro.

Dedimus potestatem de attorn. rec. in breui de ingressu super disseisinam in le post pro tenent'.

REx dilecto et fideli suo H.W. militi, salutem. Cum per breue nost. de ingressū super disseisinam in le post pendens coram Iustic' nostris de comñ banco nostro inī H.D. & T.H. de 20 acris terræ, tribus acr̄ prati, & 12 acris pasturæ cum pt̄iñ in M. in comitatu N. Et quia idem T. adeo impotens et senio confect' existit quod absque maximo corporis sui periculo coram Iusticiar̄ nostris p̄d' ad diem in dicto breui nr̄o contentū laborare non sufficit, vt accepim'. Nos statui eiusd̄ T. pie compatientes in hac pte, ded' vobis plenam potest' et authoritatē attorn̄ vel attornatos coniunctim et diuisim, q̄ vel quos idem T. ad lucrand' vel pt̄iend' in placito pred', cor̄ iust. nr̄is pred' loco suo coram vobis ponere aut constituere voluerit recipiend', nosq; inde in Canc' nostra de nomiñ hñdi attorn̄ vel attornatorum debite certificand'. Et ideo vobis mandamus quod ad pref. T. si commode ad vos laborare nō sufficiat personaliter accedatis, attornatumq; suum vel attorn̄ suos cōiunct' et diuisim in forma pred' recipiat. Et nos in Canc' nostra de nom̄ hñdi attorn̄ vel attornatorum ipsius T. in Crast. Sancti I. prox' futur̄ vbicunq; tunc fuerit sub sigill̄ vro debite certificetis hoc breue nobis remittentes. T. 25 die Aprilis anno regni regis &c. Sect. 16.

It is returned thus.

REsponden' infra nominat' H.W. ad hoc breue, execuc' istius breuis patet in quadam schedula huic breui annex' H.W.

Nott. ff. PRecipe T. H. quod iuste, &c. reddat H. D. 20 acras terræ, &c. vt supra in le Dedimus potestatem verbatim, cum

cum pertinentijs in M.q̃ clamat,&c.

Notting. ff. T.H.po.lo.ſuo A.B.et F.R.coniunctim & diuiſim verſus H.D.de pl̃ terrę.

¶ Capta et cognit̃ apud Firbeeke in com̃ Ebor̃ decimo die Februarij,an.regni dom.noſtri 14.&c. H.W.

Aliud breue de Ded.poteſt.rec.attorn.ten.ſuper breue de ingreſſu.

Sect. 17. REx reuerend.in Chriſto patri Cuthberto Epiſcop̃ D.et W.B.Salutem. Cum breue nr̃um de ingreſſu ſuper diſſeiſin' in le poſt p̃dcat coram Iuſtic' nr̃is de Banco inter A.B.milit̃ petentem, & C.D.armig. tenentem de quarta parte manerij de F.cum pertin. ac 800 acr̃ terræ, 20 acris prati, 220 acris paſturę, 300 acr̃ boſci,& quadraginț lib̃r reddit̃ cum pert̃ in F.pred̃ in com̃ Eſſex. Et quia idem C.adeo impotens ſui & ſenio confect' exiſtit q̃ abſq; maximo corporis ſui periculo vſq; Weſt.ad diem in dicto breue content̃ ad perſonaliter comparend'; & ad id qd in eod̃ tunc ibid̃ fieri expediens foret faciend̃ & agend̃,labor̃ non ſuffic',vt accepimus. Nos ſtatui eiuſdem C.compatien' in hac pte, Ded̃ vobis et vtriq; vr̃m coniunctim & diuiſim plen' poteſt' & author̃ recipiendi Attorn.pred̃ C.quę vel quos idem C. perſonaliț cor̃ vobis vel vnum vr̃m verſus pl̃. A. in br̃i pred̃ penden.coram pref. Iuſtic. nr̃is loco ſuo ponere,atturn',vel conſtituere voluer̃ ad pl̃ placitand̃ Warr̃ vocand̃,lucrand̃,vel perdend̃ in breui illo. Et ideo vobis et vtriq; vr̃m coniunctim et diuiſim mandamus qd ad pref.C.ſi commod̃ ad vos laborare non ſufficiat,perſonaliter accedentes Attorn' vel Attorn.quem vel quos idem C.perſonaliț cor̃ vobis vel vno vr̃m in br̃i pred̃ cor̃ pl̃. Iuſtic.nr̃is penden.verſus pl̃. A.ad pl̃ ibid̃ ad pl̃.term̃ pl̃ warr̃ vocand̃, lucrand̃,vel perdend̃,loco ſuo ponere Attorn. et conſtituere voluerit, recipiatis vel vn' veſtr̃ recipiat. Et cum attorn.vel attorn. hr̃di fic̃ receperitis,vel vnus veſtrum receperit, nos in Canc. noſtra de nom̃ vel nominibus hr̃di attorn. vel ipſius C. in Oct. Sancti Hill̃ ,pxim̃ futur̃ vbicunq; tunc fuerit,ſub ſigill̃ vr̃is vel vnius vr̃um debite certificetis, vel vn' vr̃um certificet,hoc breue nobis remittentes,Teſte,&c.

* *The forme of a Recouerie with ſingle voucher.*

PRecipe S.H.q̃ reddat A.B.et C.D.40 meſſuag. cum pert̃ in G. D. R.&c.

Pred.S.H.po.loco ſuo R.F.et T.N.coniunct̃et diuiſim verſ. p̃d. A. B.C.D.in pl̃ conuen.

W.A.quem prædict' S.H.vocat ad warrantiam ponit loco suo G.M. & T.F.coniunctim & diuisim versus predict' A. B. & C. D. in placito terræ.

Predict' A.B.& C.D.ponunt loco suo R.C.& F.C.coniunctim & diuisim versus pred' S.H.in pl' terræ.

A common recouerie had by diuers against one, of diuers mannors, &c. within the Countie Palantine of Chester, before the Iudges of the Shires and Counties.

DE placitis com̃ Ceſtriæ apud Ceſtriam corã T.E.ar̃, filio T.E.mil' Iuſtic' dom̃ reg. ibm̃ die martis ꝓxim̃ poſt feſtum exaltatioñ ſanctæ Crucis Ann̄ regni regis Henr. octaui poſt conqueſtum Angl' octauo. Sect. 18.

R.E.miles, P.D.miles, I.S. filius & hęres apparens T.S. de W. T.S. filius & hæres apparens R.S. de S. & G.L. capellanus per Th.B. Atturn̄ ſuum in cur' dn̄i regis, hic petunt vers' H.S. de O. arm̃ maner' de O. alias O. cum pertinent' & 14 meſſuag', &c. vt ius & hæreditatem ſuã, & in quę idem H. non habet ingreſſum niſi poſt diſſeiſin'q̃ Th. Cutt inde iniuſte & ſine iudicio fecerit pref. R. P. I. T. & G. poſtquã I. Scoticus fact. fuit comes Ceſt', &c. Et vnde ijdem R. P. I. T. & G. dicunt q̃ ipſimet ſuer' ſeiſiti de eiſdem maner', meſſuag', tris, prat', paſt', boſc. turbar̃ moſſet, & reddit' cum pert', &c. in dom̃ ſuo vt de feod' temp. pac. dn̄i Reg. nunc capiend' inde expleciones ad valenc', &c. Et in quæ, &c. & inde produc' ſectam, &c.

Et pred' H.S. arm̃ in propria perſona ſua ven' & defendit ius ſuum quando, &c. & vocat ad warr' T. N. qui preſens eſt in curia in propria perſona ſua & gratis eidem H.S maner', meſſuagium, terr', tenement', prat', paſtur', boſc', turbar', moſſet' & reddit', & medietatem manerij d' E. ſuperius petit' cum pertin' warr'. Et ſuper hoc pred. R. P. I. T. & G petũt verſus eundem T.N. ten̄ per warr' ſuã pred' man', meſſuag', &c. & medietatem manerij de E. cum pert' in forma pred. &c. & vnde dicunt qd ipſimet fuerunt ſeiſit' de eiſdem maner', meſſuag' terr', prat', paſtur', boſc' turbar', moſſet' reddit', & medietat' manerij de E. cum pertin' in dom̃ ſuo vt de feodo, tempore pacis tempore dicti dom̃ regis nunc capiend' inde expleciones ad valenc' &c. Et in quæ, &c. Et inde producunt ſectam &c.

Et pred' Th. N. tenen' per Warrant' ſuam defend ius ſuum quando, &c. Et dicit qd pred. T.C. non diſſeiſiuit pretat' R. P. I. T. & G. de prædict. man. meſſuagio, ter', prat. paſtur', boſc', turbar', moſſet', & reddit, & medietate manerij de E. ſuperius petit' cum pertinentijs modo & forma prout prædict. R. P. I. T. & G. per breue & narrationem

onem ſuam pred' ſupponunt,&c.

Et prædict.R.E.P.D.I.T.& G. petunt licen' inde interloquendi hic &c.& habeant. Poſteaque iſto eodem com̃ hic,&c.præd.R.P. I.T. & G.per Atturnat̃ ſuum pred.reuen' in cur̃ dom̃ Regis,&c. Et prædict. T.N.teneñ per warr̃ ſuam licet ſolemnit̃ exact̃ non reuenit ſed in con. tempt̃ cur̃ hic receſſit et defalt̃ fecit.Ideo conſiderat̃ eſt per Iurat̃ com̃ pd̃ quod præd̃ R.E.P.D.I.T.& G. recuperarent ſeiſinam ſuam verſus prædict̃ H.S.de p̃dict̃ man',meſſuag',tear̃,prat̃,paſt',boſc',turbar̃,moſ. ſet,reddit̃,& medietat̃ manerij de E.ſuperius petit̃ cum pert̃. Et quod idem H.habeat de terra præd̃ T.N.ad valenc'.Et idem T.N.in miſere. cordia.

A common Recouerie by diuers before the Iuſtice of Cheſter, and Iudges of the ſame Countie, of a Mannor, &c. Temp.H.8.

Sect. 19. DE pl̃ com̃ Ceſtriæ apud Ceſtriam corã T.E.aĩ filio T.E.mil̃ Inſt. dom̃ Regis ibidem die Martis in prima Septimana quadrageſim. regis H.8.21.

R.B.W.B.B.B.filij R.B.mil̃ O.B.H.D.filius & hæres R.D. armig' defunct̃ D.D.de E.& R.C.capellanus per Th.B.atturnat̃ ſuum in curia domini regis hic petunt verſus R.D.capell̃ & T.H.de ciuitate C.ma. ner̃ de W.cum pertinentijs,30 meſſuag',vnum molendinum aquarici, 500 acr̃ terræ,400 acr̃ prati,100 acr̃ paſtur̃,100 acras boſci,40 acras turbar̃,40 acras terræ aqua coopert̃,& xl. ſ. reddit̃ cum pert̃ in W. & O. vt ius & hæreditat̃ ſuam,& in quæ idem R.& T. non habent ingreſſũ niſi poſt diſſeiſinam quam T.C. iniuſte & ſine iudicio fecit prefat. R. W.B.&c.poſtquam I.Scoticus factus fuit comes Ceſt',&c. Et vnde ijdem R.W.B.&c.dicunt qd ipſimet fuerunt ſeiſit̃ de eiſdem man',meſ. ſuagij,molend̃,terr̃,prat̃,paſtur̃,boſc',turbar̃,terr̃ aqua coopert' cũ pt̃ in dominico ſuo vt de feodo,tempore pacis tempore dom̃ regis nũc capiend̃ inde expleciones ad valenc' &c.Et in q̃ &c.Et inde ꝓducunt ſectam,&c.

Et pred̃ R.D.et T.H.in ꝓprijs pſonis ſuis ven' & defendunt ius ſuum quando &c. et vocant inde ad warran' W.M.arm̃ qui præſens eſt hic in curia in ꝓpria pſona ſua et gratis maner̃, meſſuagium, molendiñ,terr̃,prat̃,paſc',boſc' turbar̃,tr̃ aqua coopert̃ pd̃,eid. R.D.et T.H. warrantizat,&c.Et ſup hoc pd̃ R.W.B.&c.petunt verſus ipſum W.M. arm̃ teneñ p warrant̃ ſuã pd̃ manerĩ,meſſuag' molend̃, terr̃, prat̃, paſt. boſc',turbar̃,terris aqua coopert̃,et reddit̃ ſuperius petit̃ cum pertineñ in forma pd̃,&c.& vnde dicunt q̃ ipſimet fuerunt ſeiſit̃ de eiſd̃ maner̃, meſſuag',molend̃,terr̃,prat̃,paſtur̃,boſc' turbar̃,tr̃ aqua coopert̃ et reddit̃ cum pt̃in in dom̃ ſuo vt de feodo temp.pacis temp.dict. dom̃ regis

nunc

nunc capiend' inde expleciones ad valenc'. Et in quę, &c. Et inde ꝓducunt ſect. &c.

Et p̄d W. M. armiger tenens per warrant̄ ſuam defendit ius ſuum quand̄, &c. Et vocat inde ad warrant̄ Th. Needham qui præſens eſt hic in cur̄ in ꝓpria perſona ſua, & gratis manet̄, meſſuag' molend' terras, prat̄, paſtur̄, boſc. turbar̄ terr̄ aqua coopert̄ & reddend' prędicta cum pertinen̄ eidem M. M. warrantizat, &c. Et ſuper hoc prędt R. W. B. &c. petunt verſus ipſum Th. Needham tenen̄ per warran̄ ſuam p̄dict' Manerium, meſſuag', molend', terr̄ prat̄, paſtur̄, boſc', turbar̄, terr̄ aqua coopert̄ & reddit̄, ſuperius petit̄ cum ptinent̄ in forma p̄d, &c. Et vnde dicunt ipſimet fuerūt ſeiſiti de eiſd̄ manerio, meſſuagijs, molend' tr̄, prat̄, paſtur̄, boſc', turbar̄, terra aqua coopert̄ & redd' ſuperius petit cum ꝑt in dominico ſuo vt de feodo tempore pacis, tempore dict̄ dom̄ reg. nūc capiend' inde expleciones ad valenc' &c. Et in quæ, &c. Et inde ꝓducunt ſectam, &c.

Et p̄d' Th. Needham tenen' p̄ warr̄ ſuam defend' ius ſuum quando &c. Et dicit quod prędict̄ T. Cutte non diſſeiſiuit p̄d R. W. B. &c. de manerio, meſſuag', molend', tr̄, prat̄, paſtur̄, boſc' turbar̄, terr̄ aqua coopert̄ & redd' cum ptin' modo & forma ꝓut ijdem R. W. B. &c. p breue & narrationem ſuam ſuperius ſupponunt, &c.

Et prędt R. R. W. &c. petunt licentiam inde interloquendi hic, &c. & habent, &c. Poſteaquę iſto eodem com̄ hic, &c. ijdem R. W. B. &c. per pred' Atturnat̄ ſuum reuen̄ in cur̄ dom̄ regis. Et p̄d. T. N. tenens p̄ warr̄ ſuam licet ſolemniter exact̄ non reuen̄, ſed in cōtempt̄ curiæ hic receſſit & defaltam fecit, &c. Ideo conceſſum eſt per Iudicatores com̄ p̄d qd p̄d' R. W. B. &c. recuperavent ſeiſinam ſuā verſus pred' R. D. & T. H. de predict̄ manerio, meſſuagijs, molend', terr̄, prat̄, paſtur̄, boſc' turbar̄, tr̄ aqua coopert̄, redd̄ ſuperius petit̄ cum perti̇n̄, &c. Et q̄ prædt R. D. & T. H. habeant de terris pred' W. M. ad valenc', &c. Et quod idem W. M. habeat de terris prædt T. N. ad valenc', &c. Et idem T. N. in miſerecordia, &c.

The like common recouerie in the ſaid Countie of Cheſter to the next before, and of the ſame manor and lands in the time of the ſaid King.

DE placitis com̄ Ceſtriæ apud Ceſtriam coram T. E. arm̄. filio T. B. milit̄ Iuſtic' dom̄ regis ibm̄ die Martis poſt feſtum decollationis ſancti Iohannis Baptiſtæ, anno regis H. 8. poſt conqueſtum Angliæ 21. Sect. 20.

R. B. de Ceſtr̄ R. B. W. B. B. B. filij R. B. milit̄ & O. B. per T. B. Atturn̄ ſuum in curia domini regis hic petunt verſus W. M. armig' manet̄ de W. viginta tria meſſuag' vnum molendinum aquat̄, treſcent̄ acras terræ,

tr̃æ, viginti acr. prati, centũ acr. pastur. quadraginta acras bosci, decem acr̃ turbar̃, & decem acras terræ aqua coopert' cum pert̃ in W. M. K. & W. virus & hæred. suã, et q̃ idem W. M. non habet ingressum nisi post disseisinam q̃ T. C. inde iniuste et sine iudicio fecit pat. R. R. W. B. et O. postquam T. Scotie factus fuit comes C. &c. Et vnde ijdem RR. W. &c. dicunt q̃ ipsimet fuerunt seisit de eisdẽ mañ, mesuagijs, molend, tr̃, prat, pastur, bosc. turbar, et tr̃ aqua coopert cum pert̃ in dom̃ suo vt de feodo tempore pacis temp. dom regis nunc, capiend inde explec. ad valenc. Et in q̃, &c. Et inde producunt, sect. &c.

Et pd̃ W. M. in ꝓpria persona sua venit et defendit ius suum quand &c. &c. Et vocat inde ad war̃ T. N. qui pleris est hic in cur. in ꝓpria p. sona sua, et gratis eidẽ W. M. Man̄ et tenem pd̃ cum pt̃ warrant. Et sup hoc pd̃. R. R. W. &c. petunt versus ipsum T. N. tenen. p warr̃ suam, &c. manet et tenem pd̃. superius petit cum pt̃ in form pd̃. &c. Et vnde dic. qd ipsimet fuerunt seisiti de eisdem tenem̃ cum pt̃ in dom̃ suo vt de feodo tem pacis, tempore dict. regis nunc capiend. inde expleciones ad val. &c. et in q̃, &c. et inde ꝓdne. fect. &c. Et pd̃. T. N. ten. p war̃ sua defend, ius suum quando, &c. Et dicit q̃ pd̃. T. C. non disseisiuit pd̃ R. R. W. &c. de tenẽtis pd̃ cum ptin. modo et forma ꝓut ipsi p bre et narrationem̃ suam superius supponunt, &c.

Et pd̃ R. R. W. &c. pet licent inde interloquendi hic, &c. et hab. &c. postea q; isto eod̃ com̃ hic, &c. ijdem R. R. W. &c. per Atturnat̃ suum pd̃ veuen. in cur. dom regis. Et pd̃. T. N. tenens per war. suã licet solemniter exact. non veuen. sed in contempt̃ curiæ hic recessit et defalt fecit: Ideo concessum est per Iudicatores com̃ pred. qd pred. R. R. W. BB. et O. recuperarent seisinam suã versus pred. W. M. de tenem̃ pred. superius petit cum pert̃, &c. Et qd̃ pred. W. M. habeat de tris pred. T. N. ad valenc. &c. Et idem T. N. in mia, &c.

SYM-

SYMBOLEOGRAPHY,

Of Indictments and Offences.

Of Indictments.

AN Indictment is a Bill or Declaration made in Sect. 1.
forme of Law, (for the benefit of the Common wealth) of an accusation for some offence, either Criminall or Penall, exhibited vnto Iurors, and by their verdict found and presented to bee true, before an Officer having power to punish the same office. And such an indictment is made to the end to compell the partie accused to answer thereunto.

In every Indictment two things same principally to bee considered. First, the verie offence; for reformation whereof the indictment is framed. And then the right forme of the Indictment it selfe, according to the distinct qualities of euery seuerall offence.

Wherefore, as in my treatise of Extraiudiciall Symboleography, I haue first discoursed how obligations spring of consent, and then disclosed the seuerall formes of instruments therof. So in this I haue thought good first briefely to vnfold the seuerall natures of offences and defaults, and how they bind the offendor. And then to lay down the doctrine and seuerall forme of Indictments concerning the same.

Offence.

AN offence therefore is a fact done vnlawfull and forbidden by na- Sect. 2.
ture or law, whether the same bee in committing or omitting, whereof the one for learning sake, may fitly be termed an offence, and the other a default, for in Law thought is free from offence.

Indeauour.

BVt so is not Indeauor many times, because therein is guile & pur- Sect. 3.
pose to offend.

Offences publique and priuate.

AND euery offence is of the state publique or priuate, and is thereof Sect. 4.
termed.

The description of both which offences is drawne sometime from the manner of doing: but may perchance more fitly be taken from the obiect which is hurt, vnlesse some think good to conioyn them both.

Sympa-

Simpathie betweene the Common wealth and her members.

Sect. 5. FOr certes if a priuat person is offended, it cannot lightly be denied but that the common wealth is therby also offended, and againe, the common wealth being endammaged, how can it be chosen but euery subiect thereof is also affected as being a member of the same.

So great a simpathie and mutual suffring being in them, as betweẽ the head and members of a naturall bodie.

But inasmuch as some offences done, more merely respect priuate wealth, and some other more merely the weale publique, those bee termed priuate, and these publique.

Offence publique and priuate.

Sect. 6. A publique offence is a grieuous fault committed against the common wealth. A priuate offence is an offence against the weale of a priuate person.

Offences bind.

Sect. 7. EVery offence of his owne nature maketh the offendor bound to the common wealth, or to a priuat person, or to both, and not only they which actually commit offence, but they also which commãd, persuade, councell, procure, abet, aid, or consent that an offence be perpetrated, or conceale it being done, are consulted to offend.

Offences named and vnnamed.

Sect. 8. AN offences are either named or vnnamed.

Offences named bee such offences as haue certaine names in Law.

Offences vnnamed.

Sect. 9. VNnamed offences be those which albeit they beene committed, yet haue they no certaine name set forth in our law, wherby they may be called.

Offences named.

Sect. 10. AGaine, offences named be either our owne or other mens faults, by which we are bound, and they haue a certaine name in law wherby to be termed.

Offences simple.

Sect. 11. OVr owne proper offences be either simple or mixt.

Our simple offences be such as be committed by our owne sayings or deeds.

Offences mixt.

Sect. 12. AN the mixt bee those which bee committed by words and deedes both together.

Offences by word.

Offences

OFfences by sayings onely, be they by which the mind, dignitie, or fame of another man (which is compared to life) is hurt and not his body, and these are also done by counsell and contumelious words. Sect. 13.

Counsell.

BY Counsell, as through wicked perswasion. Sect. 14.

Wicked perswasion is fraudulent counsell giuen to any, whereby his mind is corrupted and made worse to do or attempt any thing naughtily: which yet doth not induce necessitie to do the thing, though it bind him that giueth such counsell.

Offence by contumelious words.

ANd, offence or crime by words, is when through peruerse words, the good name, credit, or dignitie of a man is impaired. Sect. 15.

Slander.

ANd it is either by voice or writing, and is called Slander, which is either against God or man. Sect. 16.

Slander against God.

SLander against God, is whereby the Maiestie diuine is euill spoken of, of this sort be blasphemie, Magicke, Heresie, Apostasie, and Periurie. Sect. 17.

Blasphemie.

BLasphemie is a wicked saying, or slander, pronounced against God, touching his Essence or word reuealed. Sect. 18.

Magicke.

MAgitians bee those which by vttering of certaine superstitious words conceiued, aduenture to attempt things aboue the course of nature, by bringing forth dead mens ghosts, as they falsly pretend, in shewing of things either secret or in places farre off, and in shewing them in any shape or likenes. These wicked persons by oath or writing written with their owne blood, hauing betaken themselues to the diuell, haue forsaken God, and broken their couenant made in baptisme, and detest the benefits thereof, and worship the diuell only: And setting their whole hope in him, doe execute his commandements, and being dead, command both their bodies and soules vnto him. Sect. 19.

Southsaying Wizzards.

OF this kinde of Magitians, be all those which ensue, as Southsayers or Wizzards, which diuine and foretell things to come, and raise vp euill spirits by certaine superstitious and conceiued formes of words. And vnto such words as be demanded of them, do answer by voice, or else set before their eyes in glasses, Chrystall stones, or rings, the pictures or images of things sought for. Sect. 20.

Diuination.

THe professors of the art of diuination which be puffed vp with pro- Sect. 21.

phecying

phesying spirits. And can manifest who hath stolne things, and tell where things lost or stolne be.

Iugling.

Sect. 22. IVglers and sleightie Curers of diseases, which for the curing of all sicknesses and sores of man and beast, vse either certaine superstitious words or writings called charmes or spels hanged about the necke or some other part of the bodie.

Inchauntings and Charming.

Sect. 23. INchanters or Charmers through certaine words pronounced and characters or images, herbes or other things applied, thinke they can do what they list, the diuell so deceiueth them, or in very deed dispatcheth those things which the Inchanters would haue done: from these somewhat differ Witches or Hagges, and Augurers or Southsayers by birds, Diuinors by seeing the intrals of beasts sacrificed.

Witcherie.

Sect. 24. A Witch or Hagge, is she which being elyded by a league made with the diuell through his perswasion, inspiration, and iugling, thinketh she can designe what manner of euill things soeuer, either by thought or imprecation, as to shake the aire with lightnings and thunder, to cause haile and tempests, to remoue greene corne or trees to another place, to be carried of her Familiar, which hath taken vpon him the deceitful shape of a Goate, Swine, or Calfe, &c. into some mountaine farre distant, in a wonderfull short space of time. And sometimes to ride vpon a staffe or forke, or some other instrument. And to spend all the night after with her sweet heart, in playing, sporting, banqueting, dancing, dalliance, and diuers other diuellish lusts, and lewd disports, and to shew a thousand such monstrous mockeries.

Heresie.

Sect. 25. HEresie, is a resolute and obstinate error in some Article of our Christian faith, 2. Tim. 4. 1. 2. Pet. 2. 1. 1. Cor. 11. 19. Rom. 16, 17.

Anabaptisme.

Sect. 26. AMongst Heretikes are numbred Anabaptists, which wickedly iterate holy Baptisme, which hainous offence is verie grieuous, as by which the Maiestie of Almightie God, and the promise which in the first Baptisme was effectuall, are violated.

Apostasie.

Sect. 27. APostasie followeth, which is a forsaking of the Christian faith. And Apostasie happeneth two waies, either when any man partly reuolteth from true Religion into a wicked sect, retaining still the name and title of Christianisme, or when the contrary side of the Iewes or Pagans so please him, that he wholly forsaketh the profession of the Christian both in name and substance.

Perju-

Periurie.

PEriurie is a lie affirmed by oath. Sect. 28.

So much of slanderous speeches against God.

Slander against man by word.

A Slander against man is to an iniurie done to him by words or writings. By words when any thing is said or done by words to the contempt or reproch of another. Sect. 29.

By writing.

INiurie by writing is done by a slanderous libell or picture. Sect. 30.

By Lybell.

A Slanderous libell, is when a libell, epigram, rime, or other writing, is produced, written, or compoſed to the note or contumely of any man, or the same procured to be bought or sold, that by that meanes the dignitie or fame of another man may be hurt. Sect. 31.

By picture.

AN infamous or slanderous picture, is when any man to his infamie or ignominy is painted in any infamous or dishonest habit or sort, as hanging vpon the gallowes, or in some euill place or manner. Sect. 32.

We haue shewed the offences committed by words, by which a mans name or dignitie is harmed; let vs now hasten to those which are done by deeds.

Offences by deeds.

AND they be said to be done by deed, not because they are not also of mind and purpose: but for that they chiefly consist in the fact without which it may vneth be iudged of their punishment. And for that such offences are not perpetrated against the mind, but the bodie either of man or his goods, whether it be done mediatly or immediatly. Offences by deeds either altogether destroy a thing, or at the least impaire the same. Sect. 33.

Destruction.

DEstruction is the vtter killing or corrupting of things. Sect. 34.

And it is either of a fact permanent and apparent: or transitorie; and during but a little while.

Facti Permanent.

A Permanent fact, is that whose verie steps and print abide, & are to be seene after the offence done: of this kinde bee slaughter and burning. Sect. 35.

Slaughter.

SLaughter is a killing done by any meanes, and it is either of man or beast. Sect. 36.

Homicide.

THe slaughter of man is called Homicide, which is euery taking away of life from any person bond or free by man done with violence, Sect. 37.

by

by which the soule is severed from the body, by what maner of meanes so ever it chance, whether by sword, staffe, or other weapon, or by venim or poison, the cause of death be given.

Voluntarie.

Sect. 38. HOmicide is either voluntarie or casuall.

Homicide voluntarie is that which is deliberate and committed of a set mind and purpose to kill.

Malicious.

Sect. 39. HOmicide voluntarie is either without precedent malice, or with precedent malice.

Of Homicides voluntarie without malice precedent, some are commanded, and some tollerated by Law, and others forbidden.

Commanded.

Sect. 40. HOmicides voluntarie commanded by Law are such as are done either for iustice sake, or vpon vrgent necessitie.

For Iustice.

Sect. 41. HOmicide for iustice sake, is the inflicting of ordinarie punishment vpon heinous offenders by death, which is dispunishable; yet in this case it behoueth the Iudge, and other officers to be free from desire of blood and priuate reuenge.

Necessarie.

Sect. 42. HOmicide vpon necessitie is either in the due and orderly execution of iustice, as the killing of the offenders in felonie which resist or fly officers hauing warrant to arrest or detaine them, or persons pursuing them with hue and cry, or rioters resisting Iustices of the Peace which come to arrest them, or prisoners resisting their gailors, if such offenders cannot otherwise be attached or holden. So is it of persons riotously assembled, resisting persons authorised to apprehend them, 1. Mar. ca. 12. And likewise of offender in parks, forrests, and warrens resisting or flying away after hue and cry, 21. Ed. 1. and Burglers and Robbers: all which homicides are dispunishable, 26. Ass. 32. and diuers other in like cases by sundry Statutes.

Se defendendo.

Sect. 43. HOmicide vpon necessitie in ones own defence is termed Se defendendo, and is where any man being assaulted by any other, flyeth so farre as he can without inevitable danger of death, and then in defending himselfe killeth his aduersarie, yet for this offence he loseth his goods, and must procure pardon for his life, Glouc. ca. 9 43. Ass. 31.

Forbidden.

Sect. 44. HOmicides voluntarie forbidden by Law, without precedent malice, is manslaughter or homicide, or by chance medley, which is where two men both of all former malice and euill will, meeting together

then by chance, and vpon sodden falling out, the one of them killeth the other with violence, neither for iniuſtice, nor in caſe of neceſſitie; Plow. fol. 110. & 101. 21. H. 7. fol. 25.

Homicide malicious.

THus much of voluntary homicides without malice prepenſed, now of homicide voluntarie of malice proceeding, which is termed murder, and is the felonious killing through malice prepenſed of any perſon living in this Realme vnder the Kings protection. Sect. 45.

Of a man ſelfe.

AND it is either of himſelfe, or of another.

HOmicide of the partie himſelfe, is termed ſelo de ſe. And is where any man of hatred conceiued againſt himſelfe, doth deſperately, wilfully, and feloniouſly kill or deſtroy himſelfe by hanging, drowning, poyſoning, or otherwiſe. Sect. 46.

Murder.

MVrder of others then the ſelfe partie, is the like wilfull and felonious killing of any of her of premeditate malice. And if the offendor did owe by Law vnto the partie ſlaine any ciuill obedience, it is in ſome caſes termed petit treaſon. As, if the wife kill her husband, the ſeruant his maſter or miſtris, or a Clerke his Ordinarie by reaſon of the reciprocall truſt and loyaltie which the Law requireth betweene ſuch perſons, and this offence is therefore farre more heynous than any of the other homicides. Sect. 47.

Homicide caſuall.

THus briefly of homicides willingly done: homicide caſuall, which may alſo be termed homicide by miſchance, miſfortune, or miſaduenture, is, when he that killeth another, had no will, intent, mind, or purpoſe ſo to doe, or the man is ſlaine by ſome other thing than a man. In which caſe the offendor is to haue his pardon of courſe for life and land, but yet muſt loſe his goods. And this homicide is either meerly caſuall or mixt. Sect. 48.

By chance.

HOmicide by meere chance, is, when by meere fortune againſt the mind of the killer, a man is ſlaine: as if one be wing, the axe flyeth off the haft, and kill one, or if a man lopping a tree, warneth the bystanders, that the tree is ready to fall, and yet by the ſame ſome of them is ſlaine, or in throwing tiles from an houſe, or ſuch other lawfull acts, or the partie is killed by ſome other thing than man by miſchance; as by falling from an horſe or cart, by a ſtroke of an horſe, or any other moueable thing than man. In which caſe, the thing which killed him, and all things that moued the ſame, are forfeited to the King, and termed a Deodand, as if one ſhould wheele ouer a man and kill him, the Sect. 49.

whele, cart, and all things therein, and the hayles that drew the same, be all Deodands. 3. Ed. 3. vnde versus.

Omnia quę mouent ad mortem, sunt Deodanda, Dyer fo. 78. pl. 37.

Mixt.

Sect. 50. MIxt is, when the killers ignorance or negligence is ioyned with the chance, as if a man lappe trees by an high way side, by which many daily trauaile and cast downe a bough, not giuing warning to take heed thereof, by which bough, one passing by is slaine; in which case he offendeth, because he gaue no warning, that the partie might haue taken heed to himselfe.

Thus you see the diuers kinds of Manslaughter.

Slaughter of beasts.

Sect. 51. THe slaughter of beasts followeth, by what meane soeuer it commeth, which is a damage done by iniurie and wrong, guile or default against the Law, which might or ought to haue beene taken heed of. Of this offence springeth an action to the owner of the beast, according as the value thereof shall be esteemed by a Iurie.

Burning.

Sect. 52. THus farre of slaughters of man and beast: burning insueth, which is also felony, as the wilfull burning of a dwelling house, 3. H. 7. 10 And burning of a barne adioyning to a dwelling house by night, 11. H. 7 fo. 1. And burning of a barne with corne, not adioyning to a dwelling house by day.

Offences transitorie.

Sect. 53. ANd these concerning offences of continuing facts, those follow which are of transitorie or momentarie facts, as vnlawfull copulation, burglarie, and theft.

Adultrie and fornication.

Sect. 54. VNlawfull copulation is euery carnall contunction had out of lawfull matrimony, and it is termed fornication or aduultery, which is first either naturall, or against nature, and either voluntary or violent. Fornication naturally committed, is betweene man and woman, which if it be perpetrated betweene kinsfolks, is said to be incest. Copulation violent is termed a rape or rauishment of a woman against her will, which is carnall knowledge had of a woman, who neuer consented thereunto before the fact nor after, and this offence is felonie in the principall and his aydors, 11. H. 4. 13. 1. Ed. 4. 1. Westmo 2. cap. 13. And carnall abuse of a woman child vnder tenne yeares old, is felonie, 18. Eliz. cap. 6.

Sodomie or buggerie.

Sect. 55. COpulation against nature, is by male or female against nature, as by females with females, or with beasts, which is called Sodomy or

bugge-

buggery, 25. H. 8. cap. 5. 5. Eliz. cap. 17. which be felonie.

Burglarie.

Burglarie is a felonious entring into an others mans dwelling house, wherein some person is, or into a Church, in the night time, to the end to commit some felony therin, as to kill some man, or to steale somewhat therein, or to doe some other such felonious act there, albeit he execute not the same, if the intent or fact of this offendor be to steale, this is like robbery, if to murder, it differeth not much from murder, and so of other felonies. Sect. 56.

House-robbing.

The offence against the statutes of 23. H. 8. ca. 1. and 3. Ed. 6. ca. 9. somewhat resemble this, for by them it is ordained, that if any person do rob another in any part of his dwelling place, or in his bothe, or tent, in any faire or market, and the owner or his wife, children or servantes being within the same, he committeth felony. Sect. 57.

Theft.

Theft enlueth, in which not so much the destruction of a thing, as the taking away of the same chanceth. Sect. 58.

Theft is an unlawfull felonious taking away of an other mans moueable personall goods, against the owners will, with intent to steale them. And it is from the person, or in presence of the owner, or in his absence.

From the person.

Theft from the owners person or presence, is of two sorts, the one putting the owner in feare, the other not. Sect. 59.

Robberie.

Robbery is a felonious taking away of another mans goods from his person, or presence, against his will, putting him in feare, and of purpose to steale the same goods. Sect. 60.

And this robbery is sometime termed violent theft, because the partie is in the law thereby terrified.

Without feare.

Theft from the owners person, not putting him in feare, is by cutting or picking his purse, and stealing the mony, or purse, or both: this is done slightly, without the owners feare or perill. Sect. 61.

But to perfect this offence, an actuall possession of the thing taken, once seuered from the person of the owner, is meerely necessarie in the offendor, and that the thing stollen exceed the value of twelue pence.

Theft of goods in the owners absence, is termed Larceny, which is nothing else but a felonious and fraudulent taking away of an other mans moueable personall goods, not being vpon the person of the owner, nor in his presence. And Larceny in respect of the things stollen,

is either great or small: The great Larceny is, when the things stolen, though they be taken at seuerall times, exceed the value of xij. d. And petty Larceny is, when the goods so taken exceed not the value of twelue pence.

Hurting and violence.

Sect. 62. NOw the crimes comming from the destruction of things, being thus hastily runne ouer: Let us step ons to the other, which haue their name of the hurting of the thing, and violent hurting destroyeth not the bodie, but harmeth and annoyeth it, and maketh either the body, or the estate and condition thereof worse.

Hurtes to the body of the Commonwealth, as treason.

Sect. 63. AND through certaine offences is hurt to the Common wealth immediatly and alwayes, or the members thereof. The Commonwealth is hurt, either in respect of the amplitude and Maiestie thereof, or of the profit and commodity thereof, which is hindred or intercepted.

Sect. 64. When the amplitude or maiestie thereof is harmed, the offence is called treason.

And these treasons be high treason, or petie treason: High treason is when the offence is done against the securitie of the commonwealth, or of the Kings most excellent Maiestie, who is the true and vnconfuted Soueraigne and chiefe head thereof: whether it bee by imagination, word, or deed, as to compasse or imagine treason, or the death of the Prince, or of the Queene his wife, or his sonne and heire apparant, or to deflower the Kings wife, or his eldest daughter vnmarried, or his eldest sonnes wife, or leuie warre against the King in his Realme, or to adhere to his enemies, ayding them, or to counterfeit the Kings great seale, priuy seale, or money, or wittingly to bring false money into this Realme, counterfeited like vnto the money of England, and vtter the same.

Or to kill the Kings Chauncellor, Treasurer, Iustices of the one Bench, or of the other, Iustices in Eire, Iustices of Assise, Iustices of Oyer and Terminer being in his place, and doing of his office, 25. Ed. 3. cap. 2.

Forging of the Kings signe Manuel, or priuie signet, priuie seale, or forraine coine current within this Realme, 1. Mar. cap. 6.

Diminishing or impairing of money current, 2. Eliz. cap. 11. & 18. Eliz. cap. 1.

The second offence in refusing the oath of supremacie, 5. Eliz. cap. 1.

Or the compassing to depriue the King of his crowne, 1. Eliz. cap. 6.

Or to destroy the King, 1. Eliz. cap. 6.

Or to leuie warre within the realme against the King, 1. Eliz. cap. 6.

Or to affirme, that the King or the heires of his bodie, is not, or ought not to be King of England, or that any other ought, 1 Elizab. cap. 6.

Or intending the bodily harme of the King, 13 El. ca. 1.

Or to leuie war against the King, Idem.

Or to moue forrein invasions of this Realme, Idem.

Or to declare that the King is not King, idem.

Or to declare that any other ought, &c. idem.

Or to affirme the King to be an hereticke, schismaticke, tyrant, Infidell, or vsurper of the Crowne, idem.

Or to claime the Crowne after the King, idem.

Or to affirme that the Common Lawes or Statutes cannot binde the right of the Crowne, idem.

Or to maintaine the authoritie of the Bishop of Rome, 5 El. ca. 1.

Or to obtaine any Bull from Rome, 13 El. c. 2.

Or to giue, take, or promise absolution thereby, 13 El. c. 2.

Or to conspire to inlarge any imprisoned by the Kings commandement for treason touching his person, or suspition thereof, 14. Elizab. ca. 2.

Or to withhold any of the Kings castles or holds, 14 El. ca. 1.

Or any of his ships or ordnance of war, idem.

Or not to render the same castles within fiue dayes after proclamation, idem.

Or to destroy any of the Kings ships, idem.

Or to bar any of the Kings hauens, idem.

Or to perswade any subiect from naturall obedience, or Religion: or to the obedience of any other, or to be so perswaded, 23 El. c. 1.

Or for Iesuits to come into, or be in this realme, 27 El. c. 2.

Or to be a Seminarie, and not returne into this Religion within fiue months after proclamation, and take the oath of allegeance, 27. El. ca. 2.

It is also to be noted, that all manner of accessaries to the seuerall treasons aboue mentioned, are guiltie of high treason.

Or of misprision of treason, which is the concealement or not disclosing of knowne treason: for which the offendors are to suffer imprisonment during the Kings pleasure, loose their goods and the profit of their lands during their liues, 2 R. 3. f. 9.

Offences hindring the commoditie of the Commonwealth.

NOw succeed the offences which hinder the commoditie of the common wealth. Sect. 64.

The profit of the Commonwealth is hindred diuers wayes, as by forestalling, ingrossing, regrating, by idlenesse of Apprentices, artificers, and seruants, decaying of the breed of beasts, destroying of fish, by conspiracies of artificers and chapmen, by not destroying of vermine, as Fores, Bawsons, Crowes, Chowghes, &c. or by making or vttering any stuffe, victuals, or wares deceitfull, corrupt, or insufficient, by not obseruing due weights and measures, or by transporting of things needfull in England, as raw hides, tallow, woll, lead, corne, or graine, by erecting of cottages, and breeding of exceeding many poore people, and by sundrie other meanes, as plainely appeareth by sundrie statutes and ordinances made for reformation thereof. Of all which particularly to discourse, would occupie more time than I haue now determined to bestow about the same.

Forestalling is the buying or bargaining for any victualls or wares comming to be sold towards any faire or market: Or from beyond the seas towards any citie, port, hauen, creek, or rode of this realme, and before the same be there.

Or the moouing of any person to inhaunce the price of the same victuals or wares, or the dissuading to bring it thither to be sold. 5 Ed. 6. c. 14. 5. El. c. 12, 13 El. c. 25.

Regrating is the buying and selling of any wares or victuals in the same market or faire, or within foure miles thereof, 5 Ed. 6. c. 14. 5. El. c. 12. 13 El. c. 25.

Engrossing, is buying of corne growing, or dead victual to sel again: except barley or malt, oats for oatmeale, and victuals to retaile, badging by licence, and buying of oyles, spices, or victuals, other than fish and salt, 5 E. 6. c. 14. 5. El. c. 14. 13 El. c. 25.

Offences against subiects.

Sect. 65. In these few haue we touched such offences, as immediately and always are committed against the Commonwealth it selfe: now will we intreat of those which always for the most part are perpetrated violently against the inferior members of the same, that is to say, either priuat men themselues, or their goods: which are effected partly by force, and partly without force.

Force is an offence by which violence is vsed to things or persons.

And force is either simple or mixt.

Simple force is that which is so committed, that it hath none other crime adioyned vnto it. As if one by force only enter into another mans possession, without doing any other vnlawfull act there.

Mixt force is that violence which is committed with such a fact, as

of

of it selfe onely, is criminall: as if any by force enter into anothers possession, and kill a man, and ravish a woman there, &c.

And those offences which are are atchieued with force are done by true force, or by force after a certaine sort.

Those offences which are finished by true force, are either don by men assembled, or without men assembled.

And force with men assembled is priuate or publique.

Priuat force is, when any with weapons by men assembled, doth enuade the goods or bodie of another, as trespas by entring into ground and taking his cattell, or other goods, imprisoning of a mans bodie, or beating of him with ones fist, or rescues of a trespas, pound breach, or otherwise without weapon, and such like.

Publike force is that violence which is done by any man assembled with any kind of weapon whatsoeuer, as by forcible entrie, keeping of possession of Benefices, Chappells, houses or lands, or Offices, vnlawfull assemblies, routs, riots, rebellions against, &c. 1 Mar. ca. 12. 1. Eliz. ca. 17.

A forcible entrie is a violent actuall entrie into a house or land, &c. or taking a distresse of any person weaponed. Whether hee offer violence or feare of hurt to any there, or furiously driue any out of the possession thereof, 5 R. 2. c. 7. 15 R. 2. c. 2. 8 H. 6. c. 7.

A forcible detaining or withholding of a possession, is a violent act of resistance by strong hand of men weaponed with harnesse, or other action of feare in the same place, or elsewhere, by which the lawfull entry of Iustices or others is barred or hindred, 29 Ass. 49.

An vnlawfull assemblie is a meeting of three or more persons together, with force to commit some vnlawfull act, and abiding still, not endeauouring the execution therof, as to assault or beat any person, or enter into his house or land, &c.

A rout is an assemblie of three persons or moe, going on about forcibly to commit an vnlawfull act, but yet dos it not. Brooke titulo Ryot 4, 5.

A riot is the forcible doing of an vnlawfull act by three or moe persons assembled together to that purpose.

A rebellious assemblie is an assemblie of twelue persons or moe, intending, going, about, practising, or putting in vre vnlawfully of their owne authoritie to change any Lawes or Statutes of this Realme, or to destroy the inclosure of any Parks, or ground inclosed, or the banks of any fishponds, poole, or conduit, to the intent the same shall remaine void, or to the intent vnlawfully to haue common or way in any of the said grounds, or to destroy the deere in any park, or any warren of conies, or dous-houses, or fish in any pond, or any house, barnes, mills,

or baies, or to burne stacks of corne, or to abate rents, or prices of victuals, 1 Mar.c.12. 1 El.c.17.

Also by the same statutes an vnlawfull assemblie may be of persons aboue the number of two: but that offence is neither so heinous, nor so sharply to be punished.

It followeth how force may bee committed without a multitude. This kind of force comprehendeth euery harme, hurt, dammage, losse, hinderance, and danger, besides death, happening to any goods, quicke or dead, moueable or vnmoueable, or to men, either culpa or dolo, that is negligently or vnwittingly, or guilefully, or of set purpose, whether it be assaulting, beating, or wounding, maiming, or hurting, bruising, or impairing of the bodie of a man or beast by any meanes: or the bruising breaking, or impairing of any other thing whatsoeuer without a multitude, also breaking of prisons to escape thence, breaking of houses to steale something thence, or to doe some felonie there, which being in the night, is termed burglary, whereof we haue spoken before, entreating of theft. In this ranke also may be placed the pulling vp or remouing of méres, bounds, or markes, set for the diuiding of one mans land frō anothers, and many other such trespasses, wherein is none apparent force or terror, as to hawke, hunt, fish, or fowle, or to cut, eat, treade, or foyle grasse in another mans soyle vnlawfully, 11 Ass.16. 11 H.8.4.16. 21 E.3.34.

Hitherto of offences done by true force indéed: now of such as are not properly downe with force and violence, but by intendment of the Law only: of which sort be briberie, extortion, eraction, priuat imprisonmēt, and certaine other like misdemeanors.

Those offences of briberie, extortion, and eraction, are committed when any for feare of his iudgement, office, or other power or authoritie, or for any other terror, eracteth, extorteth, and wringeth money or other things from another man, as Sheriffes, Coroners, or other Officers, Auditors, Receiuers, Escheators, custos breuium, chiragraphers of fines, Admirals, Marshals, Criers, Maiors, Bailifs, Clerkes, Wardens of Fellowships, Iudges, Bishops, Ordinaries, or other Officers whatsoeuer: for reformation of which, see the seuerall statuts therof, in that behalfe prouided.

To this crew, as it seemeth, may be referred the eraction of vnlawfull vsurie: which is taking of any thing of any man for the lone, or giuing day of payment of mony, 37 H.8.c.9. 13 El.c.10.

And all vnlawfull games, which be all games but shooting, 33 H.8. c.9.

And euery other taking of more than is due by colour or pretence of right, as the taking of excessiue tolle by Millers, or others, or of ex-

cessiue

ceſſiue prices for ale, bread, victuals, wares, or other things.

Offences ſpringing from words and deedes.

SO much then of ſingle offences, ſpringing from onely words or only deeds. Now follow thoſe which iſſue from both together, as thoſe which ariſe from the crime of falſhood.

The offence of falſhood is a guileful and fraudulent limitation of the truth againſt the law, and it is committed either by word or by deede.

Falſhood by word is by lying, as if any man ſhould fain vnto himſelf a falſe name or ſirname, or ſay he is another man than he is, to deceiue ſome oath: or by periurie, which is a lie affirmed by oath.

Falſhood by deed is as if a man write or ſigne a falſe teſtament, or falſly ſet downe therein ſome legacie or truſt to himſelfe, without the mind of the teſtator, or if a man make a falſe deed, or accompt, or other inſtrument, or if he bribe or corrupt a Iudge, or do raze, change, or corrupt any writing, to the defrauding of another man, or doe conney, remoue, or take away, ſuppreſſe, conceale, or falſly ſigne a teſtament, or counterfeit another mans hand in writing, or to counterfeit or vtter falſe monie, or to adulterate, embaſe, ſhaue, file, clip, waſh, or empaire the currant coin of England, or to counterfeit the hands of magiſtrats, and certificats, teſtimonials, or licences in their names, or to vſe falſe weights, meaſures, or ſtandards not agreeable with the ſtandard. To corrupt or ſuborne falſe witneſſes. To marke falſe accounts or reckonings.

Hitherto we may refer maintenance, and champertie and ſuits, embracing or inueigling of iuroꝛs, forging of falſe and fraudulēt writings, making of fraudulent feoffments, leaſes, and deeds of gift, or rather falſe grants or conueyances of lands or goods, to defraud true creditours, fraudulent conſpiring of any mans death, to know and vndertake vpon one to defend other mens quarels, to be patron to the cauſes of others, by lending of ones name for meed or fauor of an offendor, or to ver, prouoke, or reuenge.

Alſo falſly to collude in pleading, or to betray or to loſe his cliēts cauſe wittingly, or falſly diſcontinue or forſake his clients ſuit.

Other mens offences, and how far they binde vs.

WE haue entreated of our owne offences: other mens ſucceede, namely when, and how far we are bound by them. Sect. 67.

And we are bound by other in offences, when wee are tied by the faults of our family, or of our beaſts.

Our family offendeth by laying, or caſting, or hanging of any thing

in

in the highway, whereby it is stopped or hindred: which offence is called Nusance.

We are bound by many trespasses of our wives, but not to sustaine corporall punishment for their offences.

Also if our beasts or Cattell offend in eating other mens Corne or grasse, or in hurting or killing the beasts or cattell of other, we are bound by it, or if our dogs, beares, or lyons, bores, &c. hurt the goods or cattel of any other, we are bound thereby, for that we ought to gouerne them.

Offences vnnamed.

Sect. 68. THough of named offences, it remaineth that we view those which be vnnamed.

For when the varietie of offences grew so manifold, that all could not be distinguished by speciall names, it was appointed that proper or speciall names aforesaid failing, the offence of colening and deceite should come in place.

The offence of colening taketh place, if any thing be done by guile, in or out of contracts, which will not agree with any of the said offences, as if any vse collusion or fraud towards the death or defrauding of another, or shifting counterfeit wares into the place of others, or to exact a greater summe than is due, or a debt which is paid, or sell or pledge any thing to 2. severally at one time, or that thing which is another mans for his owne, knowing it be another mans; or to pledge copper or other base mettall for gold or siluer, &c.

Deceit is a subtill wily shift or deuice hauing none other name. Hereunto may be drawne all manner of craft, subtiltie, guile, fraud, wilines, sleightnesse, cunning, couin, collusion, deceit, deuice, practise, and office vsed to deceiue another man by any meanes, which hath none other proper or particular name but offence.

Of Indictments as remedies for the former diseases.

Sect. 69. THus haue we rather sleightly shadowed, than perfectly portraited the vglie shape of such enormous offences, as with their deformitie most blemish the bodie of our beautifull (otherwise flowrishing) Commonwealth. Now therefore we are to shew the waies how to prepare remedies for the same, which must be done by Indictments, in which are chiefely to be eyed the matter and the forme.

The matter or obiect of Indictments is nothing else but the seuerall offences and facts vnlawfull, before described, in which the verie fact it selfe, and the circumstances there of are to be weighed.

Touching the offence or fact it self, we are here fully to regard the very nature & qualitie of the offence, as, whether it be treason felony, trespasse,

palle, deceit, or some other offence, and of what seuerall kind it is, and whether it be punishable by the common law, or by some penal statute, that the Indictment thereupon may be framed accordingly.

The circumstances of the fact are seuen, that is to say, cause, person, time, place, qualitie, quantitie, and euent.

Touching the cause of the offence, we are to weigh whither the offece be of cause iust or vniust; whether by chance, or of malice and purpose, or vpon a sudden, or by negligence or guile, which maketh some homicides lawfull, some punishable, and that in seuerall degrees.

The person is in two sorts to be regarded, that is, as he is agent or patient. For it is not all one for infants and men of full age, and for mad, lunaticks, and ideots to offend. And otherwise in many cases are they to be punished which offend God, the commonwealth, magistrats, or their maisters and superiors, than they which offend others.

The time also in offences maketh difference betweene offences, as in Larcenie and burglarie.

The place in like manner maketh the selfe same fact either theft, burglarie, or sacriledge.

By the consideration of the qualitie we discerne whether an offence be heinous or not, and whether it stand in committing or omitting.

The view of the quantitie of the offece sheweth vs whether it be punishable by death or otherwise, and if by death, what manner of death, and regardeth the custome or iteration thereof.

The euent looketh to the finall cause, purpose, or issue of the fact, whether it be casuall or voluntarie.

All which circumstances are partly seene before in the verie handling of the offences; now let vs looke more specially into the formes of the indittment.

Of the forme of Indictments.

IN the forme of euery Indictment, besides the ordinarie words of forme, precise certaintie to euery intent is to be as warily looked vnto as in declarations in ciuill suits and returne of sheriffes, 3 H.7.f.11. & 12.3 E.4.21. Otherwise is the indictment insufficient, for Indictments and appeales be the verie base and foundation of euery criminal controuersie. Sect. 70.

This certaintie consisteth first in the name and surname of the partie indicted, both principall and accessarie.

2 In the certaine name and surname of the partie offended.

3 In the certainty of time wherein the offence is done, as the certain day, yeare, yea, and many times the very houre is expressed.

4 In the place where the offence is perpetrated.

5 In

5 In the verie matter of the fact, and nature of the offence committed, as whither it be treason, felonie, trespasse, deceit, penall statute, &c.

6 In the name and vaine of the thing in which the offence is done.

Unto the name of the partie indicted must be united the addition of his estate, degree, or misterie, and the shire and towne, hamlet or place of his then, or late dwelling or commorance: all additions which signifie any lawfull estate, degree, or misterie, are good; whether they be of dignitie by creation, as Duke, Marques, Earle, Vicont, Archbishop, Bishop, knight, sergeant at the law: or without creation, as Baron, Esquire, gentleman, which are names of dignitie without creation. Also Alderman, Doctor, Archdeacon, Deane, Parson, Parish clerke, widow, single woman, be good additions of estate or degree: but fermour, servant, butler, &c. are not, for that they are common to gentlemen, yeomē, &c. and so incertain: marchant, grocer, tailor, shoomaker, tanner, currier, broker, husbandman, hostler, haberdasher, mercer, draper, Goldsmith, Butcher, Chapman, labourer, spinster, and every other addition of anie lawfull occupations, be good additions of misterie. But neither Chauncellor, Treasurer, Chamberlaine, Sherife, Coroner, Escheator, Bailiffe, Archdeacon, Deacon, Prebendarie, Parson, nor such other names of dignitie (by reason onely of office) are good, but where such persons be charged for offence, by reason of their offices: nor citizen, for it neither nameth any misterie, art, nor degree: neither extortioner, bankerupt, rogue, vagabond, vserer, heretike, schismatike, dicer, bowler, carder, nor such like, being against the law. If the place whereof the offendour is or was, be an hamlet, and there be diuers hamlets in one towne, he may be named either of the towne or hamlet: but if it be only a place known in a towne, and not an hamlet, he must be named of the towne, 35. H. 6. fol. 30. if the towne where the offendor dwelleth beareth one selfe name with the parish, he may be named of either: but if there be two townes of one name in one parish, he ought to be named of the parish, 5. Edw. 4. fo. 129. 22 E. 4. fo. 22. & 22 Hen. 6. fo. 41. Alias dictus in Indictments is not necessarie. The addition or degree or misterie must be such, as the partie hath at the verie time of the indictments: but he may be termed nup of any place whereof he hath bin at any time before, but it is best to name him of the place of which he is or last was thus: Iurat pro dom rege plent. q I.S. nuper de D. in com Essex husbandman, &c. and further, the time of the offence committed must be thus set downe, as in personall actions quinto die Febr. ann reg. dni nr. Iac. Dei gratia Anglię, &c. And in some indictments, as of murder and burglary, the verie houre is to be expressed, as hora 6. ante merid (if it were before Noone) and post mer. (if it were after) eiusd diei; if the offence be cōmitted after noon & before midnight, it must be said in the same day: if after midnight

and

and before the sun rising, then in the day following: and if the time be expressed by the reckoning of our L. God (as it may be) then the yeare beginneth with vs euermore vpon the 25. day of March: but in indictments which present that a thing is omitted or not done, there needeth no time of the not doing or omission thereof be set forth, as that a ditch was not scowred, by meanes whereof meadowes be ouerflowne, and such like. If a man be stricken or poisoned in one countie, and die thereof in another county, the indictment may be in the county where the death happened. 2. & 3 Edw. 6. ca. 24. and if one become accessarie in one County to a murder or other felonie done in another; he may well be indicted in the County where he was accessarie, be which robbeth in the haunt of D. and is taken with the manner in the county of S. may be indicted of theft where he is so apprehended, but not of robbery, but in the county where the offence was done. The place is thus to be set downe, apud B. in com. C. For it is not good to say in com. prædict' referring to the name of the county written in the margent of the indictment: and the place of the offence is sometime more specially set downe thus, apud B. in com. C. in quodam loco ibid. voc' the nether close &c. also it is to be regarded that if a county be diuided into seuerall diuisions, so that those which be Iustices in one diuision be not Iustices in another diuision thereof, as the county of Yorke, which is diuided into 3. diuisions, called Ridings, as the Westriding, eastriding, and northriding, it is requisite that it be expressed in the indictment, in which of the diuisions or ridings the offence hapned, as apud R. in Westriding in com. Ebor. in quodã loco ibid. voc. the long, &c. for the commissions, whereby the Iustices of peace in such ridings are ordeined, haue in them such words as follow, viz. Sciatis quod assignauimus vos coniunctim & diuisim, & quemlibet vrm Iustic' nostros ad pacem nostram in partibus de Westriding in com. nostro Eborum conseruandam, &c. Mandamus enim tenore presentiũ vobis & eis Eborum, qd ad illos dies & loca, quæ vos vel aliqui huiusmodi duo vel plures vrm, vt prædictum est, sciri feceritis, venire corã vobis vel hmdi duobus vel pluribus vestrum, vt dictum est, tales probos & legales homines de partib' prædictis tam infra libertatem quam extra, quorum &c. so that the power of such Iustices extendeth no further than to those Ridings onely in which they bin so made Iustices, and therefore what is by them done otherwise is coram non Iudice, and void.

Albeit the name of the person to whom the offence is committed be in many cases required, yet an indictment quod defendens bona & catalla cuiusdam ignoti felonicè cepit, &c. in theft: or quendam ignotũ felonicè depredauit, &c. in robbery, is good for the kings aduantage of the forfeiture thereby accruing, for it is, as it seemeth, quoad hoc, armis

&c.

&c. insultum & affraiam in quendam ignotum fecit, &c. Dyer fol. 99. pag. 61, & 285. p. 38. But if the goods of a Church be taken away, the Indictment must be quod bona parochianorum in custodia gardianorum Ecclesiæ de C. existen ceperunt, & asportauerunt, &c. If the goods of a man be taken, who maketh his executors, and dieth, the Indictment must be, bona testatoris, &c. but if they be taken after the testators death, it shall be bona testatoris in custod executr existen, &c. If grauestone is, de bonis ecclesiæ: coat armour hanged ouer a tombe, be the goods of the dead mens executors: goods taken from one, are the goods of the trespasser, vntill the owner haue recouered his property in Iuges bailes, are said bona of the owner in custodia ballui. The names of things in which the offence is committed ought also to be certainely mentioned in indictments, dead things may be called, bona & catalla, expelling these names certainely, as appeareth hereafter: but of liuing things we must not say, bona & catalla, but vnum equum, or 2. equos & alium, bidem, &c. Also the value of those things in which offence are committed is vsually compiled in Indictments, which seemeth necessarie in theft to make a difference from petie larceny, and in trespas, to aggrauat the fault & increase the fine, but no price of things ferę naturę may be expressed, as of dogs, hares, &c. if they be not in parks or warrens, which is a theft, 8. H. 7. 9. nor of chattels of land. And where the number of the things taken are to be expressed in the indictment, as of yong beares in a beare house, yong partridges in a wood, there must be said precii, or ad valencsam; but of one liuing thing, or of one dead thing onely, it is precii, and not ad valenciam; but of diuers dead things ad valenciam, and not precii. Of coyne not currant, it shall be precii, but of coyne currant shall neither be said precii, nor ad valentia, for the price and value thereof is certaine, but of counterfeit coyne, shall be said ad valenciam, and in counterfeiting of coyne shall not be said 10. libras in denariis domini regis, nor in pecunia domini Regis, but ad inkar pecunię domini Regis.

The very manner of the fact or deed it selfe, and nature of the offence must also be mentioned in the indictment, as in escape, for prison breaking, must be expressed for what felony the offendor was apprehended and imprisoned: & for counterfeiting of money must be shewed to what the counterfeit is like, as groats, shillings, &c. And in murder and manslaughter, the stroke whereof death ensued, Dyer f. 99. pl. 63. And for slaunderous words against the K. the very words must be certainly set downe. And for entry into house, lands, or tenements, must be expressed, what manner of house, lands, or tenements, as a messuage, a cottage, arable land, meadow, pasture, or wood. And wherein any Indictment, seuerall acts be said to make vp the offence which may be done at

seuerall times and places, both the times and places must be certainly expressed, as in murder and manslaughter, the assault and the striking, as apud B. in com E. &c. in quendam I.S. insultum fecit, & ipsum I.S. cum quodã gladio precii, &c. adtunc & ibid felonicè, et ex malitia sua præcogitata percussit & murdrauit. And in theft, the thing stollen must certainly be laid volume, 22. Ass. pl. 75. & 29. Ass. 45. And an Indictment against an accessarie, must shew what felonie the principall committed, and that knowing it, he receiued the felon felomously, 7. H. 5. 8.

Touching the seuerall natures of seuerall offences, it is to be noted, that in Indictments of treasons, the fact must be necessarily said to be done, proditorie; of murder, murdrauit; and of manslaughter and all other felonies, the fact must be said to be done felonice, and in burglary, Burglariter, or intentione ad felonian siue murdrum faciendi, &c. in rape felonice rapuit, in theft, felon cepit & asport, if it be a dead thing: if liuing, abduxit, or felonice furatus est. In petie Larceny and maime must also be said, felonice.

And notwithstanding the statute of 37. H. 8. ca. 8. it is not amisse in euery Indictment containing felony or trespas, to vse the words (vi & armis) viz. gladiis, baculis, cultellis, &c. And in a forcible entry vpon the statute 8. H. 6. c. 9. must be manuforti, &c. or cum multitudine gentium &c. And in an Indictment found vpon statutes, it behoueth not needfull to recite the statute verbatim, as hath bin heretofore vsed, and namely, if the statute be generall, 5. H. 5. 11. 39. ass. 38. But fully and certainly to describe the offence against the tenor of the same statute. And then conclude with these words, Contra formam statuti in hũdi casu prouisi et æditi; If there be onely one statute of that offence: but if there bee diuers concerning the same, then the conclusion must be Contra formam diuersorum statutorum in hũdi casu æditor & prouisor, &c.

And it is specially to be noted, that in Indictments grounded vpon penall statuts (other then for tillage) giuing the penalty to the king only, may be exhibited at any time within two yeares after the offence: But if the benefit be to the Prince, and another person, it ought to be sued for such person and the Prince within one yeare. And for the Prince alone within three yeares, if shorter time be not in that behalfe limited in such penall statutes, 31. Eliz. c. 5.

But the formes of Indictments will best appeare in the following examples, which for the Readers ease I haue heere alphabetically set downe as ensueth.

For keeping an Alehouse or Tipling house.

Sect. 71.

IVratores pro domina regina præsentant, quod A. B. de C. in dicto comitatu E. yeoman, vicesimo die mensis Octobris, Anno regni domin nostræ

contra Elizabetham, Dei gratia Angliæ, Franciæ, & Hiberniæ reginam fidei defensoris, &c. tricesimo, & continuè multis diebus postea, viz. vsque primum diem dicti Octob', anno supradicto, apud C. prædict in comitatu prædicto, obstinatè atque ex authoritate propria ipsius A. B. sine vlla Iustitiariorum pacis dictæ dominæ reginæ in comitatu prædict admissione aut allocatione, assumpsit super se custodire, & custodiuit vnam communem Fabernam (Anglicè vocat. a common Tipling house) & eidem dicto vicesimo primo, & diuersis diebus tam postea, communiter & publicè vendidit cervisiam, & potum (Anglicè dictum Ale and Beere) diuersis dictæ dominæ reginæ ligeis & subditis. In dictæ domini reginæ contemptum, ac contra formam cuiusdam statuti, in Parliamento dñi Edwardi nup regis Angliæ tent. apud Westm. anno regni dicti dñi Edquinto, in huiusmodi casu prouis. & editi.

For selling in a Cappe.

Sect. 73. IVratores pro domina regina præsentant, quod A. B. de C. in dicto comitatu Essex, natus infra hoc regnum Angliæ, viz. apud C. prædict, sed filius & hæres apparens alicuius militis, aut filius hominis altioris gradus quàm ipsius, nec potens expendere per annum viginti libras, in terris, tenementis, feodis, officijs, aut alijs annuis reuentionibus, pro quolibet vno anno, nec valens ducentas libras de bonis suis propijs, nec vnquam Maior, Ballius, Aldermannus, aut capitalis officiarius in aliqua ciuitate, burgo, aut villa corporata existens, nec dictæ dñæ reginæ seruiens in ordinario (vtens dictæ dñæ reg' liberata) existens, ad tamen dict Octob', anno regni dictæ dñæ nr̃æ Eliz. Dei gratia, Angliæ, Franciæ, & Hiberniæ Reg', fidei defensor, &c. tricesimo, apud C. prædict' in com prædict, per totum 20. diem anni supradicti, in tenore parte cuiusdam pileoli (Anglicè vocat. a Cap, quodam serico (Anglicè dicto Taffata) (ad valorem duor' solidor') illicite et palam vsus est, contra formam cuiusdam statuti, in Parliamento Philippi & Mariæ nup Regis & Reginæ Angliæ, tento apud Westm in com Midd, annis regnorum suorum, primo & secundo, in huiusmodi casu prouisi & editi.

For vsing the Art of a Mercer against the Statute of the late Queene Elizabeth.

Anno quinto

Sect. 74. IVratores pro domina Regina præsentant, quod A. B. de C. in comit E. Mercer, vicesimo die mensis Maij, Anno regni dictæ dominæ nostræ Elizabethæ, Dei gratia Angliæ, Franciæ, & Hiberniæ reginæ, fidei defensoris, &c. tricesimo primo, & multis alijs diebus continuè post dictum diem per spacium duorum mensium, extunc proxim sequent,

vide-

videlicet, vsque vicesimum diem Iulij, anno supradicto, apud C. pd in comitatu E. præd, quandam artem, siue mysteriam (Anglice dictum Mercerie) illicite pro lucro suo proprio vsitauit & exercuit: tunc ibidem vendendo merces (Anglice vocatas Mercerie wares) diuersis dictæ dom reginæ ligeis & subditis: vbi reuera idem A.B. nunquam fuit in dicta arte siue mysterio educatus tanquam apprenticeus per spacium septem annorum, nec idem A.B. eandem artem (siue mysterium præd) duodecimo die Ianuarij anno regni dictæ dominæ nostræ reginæ nūc quinto vsitauerit, aut exercuerit: In magnū dictæ dominæ reginę contemptum, ac cōtra formam cuiusdam statuti in parliamento dicti dom reginæ nostræ nunc tento apud West. anno regni suo quinto, in hoc casu pquisit ac æditi, vt supra dic'.

An Indictment vpon the statute of An. 1. Mar. cap. 12. for the assemblie of twelue persons, assembled together in the entent to cut downe a Conduit head, and staying there three houres after proclamation made that they should depart.

IVratores pro domina regina presentant, Quod primo die mensis Octobris, anno regni dominæ nostræ Elizabethæ, Dei gratia, Angliæ Franciæ, & Hyberniæ regiñ, fidei defensoris, &c. tricesimo quinto A.B.C.D.E.F. &c. and so reciting xij persons at the least, with their additions of occupations and dwellings, apud quendam locum infra parochia de O. in Com E. præd, (Anglice vocatum le old Court) inter horas decimam & vndecimam ante meridiē eiusdem diei, vi & armis, tā inuasiuis, q̄ defensiuis, videlicet, gladijs, pugionibus, baculis, arcubus, sagittis, tunicis ferreis, et tormentis, seipsos congregauerunt, & assemblauerunt: Actunc & ibidem intenderunt, conati sunt, practicauerūt & in vsu posuerunt, vi & armis, illegitime, & ex authoritate sua propria, secare, & prorsus euertere, prosternere ac distrnere quoddam caput vnius aquæ ductus (Anglice vocatum a Conduit head) tunc ibid in fundo cuiusdam R.S. de O. pręd in comitat prædicto generosi existens, & cursum aquæ in ipso habens, ea intentione, vt idem caput aquę ductus prædict' extūc apertum & vacuum remaneret ac iaceret: Et vlterius, quod super quærimonia inde facta coram T.W. vno Iusticiariorum pacis dictæ dominæ reginæ in comitatu E. prędicto, omnes & singuli prædicti A.B.C.D.E.F. &c. tunc & ibidem per eundem Iusticiariarum requisiti sunt ac iussi (per Proclamationem in nomine dictæ Dominæ Reginæ tunc & ibidem per eum palam factam) ad habitationes, loca, & domos suas (vnde venerant) se inde in pacifico modo retrahere, recirare, discredere, & remerti: quæ quidem proclamatio tunc ibidem modo & forma sequentibus, habita & facta est, videlicet, Sect. 74.

prædictus T.W. Iusticiarius tunc ibid' fecit altâ voce vnum Oyes, ac tunc ibid' immediat hæc verba Anglicana sequentia palam, & altâ voce pronunciauit, dicens, scilicet, The Quene our Soueraigne Lady chargeth and commandeth all persons (being assembled) immediately to dispers themselues, and peaceably to depart to their habitations, or to their lawfull businesse, vpon the paines contained in the Act lately made against vnlawfull and rebellious assemblies: And God saue the Quene. Et viterius Iuratores præd dicunt, quod non obstante dicta proclamac' modo & forma præd per præt. Iust. tunc ibid' facta & habita, iidem tamen omnes & singuli præd' A.B.C.D.E.F. &c. in dicto loco vocato le old Court, infrà paroch' de O. pd in dicto comitatu E. p spacium duar horarū, immediate & contin post dictā proclamac' sic vt præfertur factam & habitā sequent, seditiose & fel' insimul remanserunt & continuauerunt, in magnū dictæ dom reg' contēptū, ac contra pacē, coronā, & dignitatē suas, necnon contr formā diuers. Statutor in hmōdi casu, puisor & æditor.

The proclamation.

Their staying after the proclamations two houres.

Against a Barretter.

Sect. 75.

IVratores pro domina regina præsentant, quod A.B. de C. in Com E. Taller, secundo die Octobr, anno regni dictæ dom nostræ Eliz. Dei gratia Angl, Franc', & Hebern reg', fidei defensoris, &c. Tricesimo quarto, apud C. præd in comitatu E. pred', fuit, & adhuc est cōmunis Barrectator, & pacis dictæ dom reg' perturbator, assiduus & publicus, necnon communis ac turbulentus calumniator, conuiciator, pugnator, & litium inter vicinos suos seminator, adeo vt diuersas lites, controuersias, necnon iurgia, & pugnas adtunc ibidem, & alibi in dicto com E. inter diuersos dict' domin regin ligeos & subditos, mouit, procurauit, & excit': In magnā dictæ dom reg' pac' perturb', ac cōt formā diuers. ordin ac statutorū huius regni sui Angliæ, in hmōdi casu ante hac, puisorū ac æditorum.

Against a Barretter

Sect. 76.

INquiratur pro dom regina, si R.E. nuper de G. in com D. Yeoman, xx die &c. apud G. præd in com præd, fuit, & adhuc est communis Barrectat, & pacis dict' dnæ Reg' pturbator, & oppressor vic' suor, & al ligeor dict' dnæ reg' in com D. præd, ac communis malefactor, calumniator, & seminator litium & discordiarum int vicinos suos pd, ad magnum dispendium, grauamen, & perturbation vicinor pd, & aliorum fidelium ligeorū dictæ dom reg' in com D. pd, contra ordinationes, leges & statut huius regni Angliæ, in huiusmodi casu ædit & prouis.

uiſq; ac contra pacem dictæ Dominæ Reginæ coronam &c.

For an affray made at the time that the Aſſiſes and Gaole deliuerie is holden before the Iuſtices of the Aſſiſe.

INquiſ̃ prò dom̃ Reg. ſi C.P. & W.C. &c. vi & armis, viz. gladijs, ſcutis, & pugionibus apud C. præd̃ arraiat & illicite congregat, tempore Aſsiſar̃ dict' dom̃ Reg. adtunc apud C. præd̃ tentarum, necnó infra precin̄ eiuſdem villæ, R.W. & R.H. earund̃ Aſsiſar̃ Iuſtic', ac Iuſtic' dict' dn̄æ Reg. ad gaolam de I. in eod' com̃ de priſonarijs in eadem exiſtentibus deliberand̃ aſsign̄, circa deliberation̄ eiuſd̃ gaolæ tunc apud C. præd̃ exiſtentibus, inſult̃ & affraiam inuicem fecerunt, ac magn̄ perturbation̄ Cur̃ dict' dn̄æ reg. ac Iuſtic' ſuor̃ p̄d̃ tũc & ibid̃ exiſtent̃, ac in terror̃ & pturbation̄ diuerſ. ſubditor̃ eiuſd̃ dn̄æ reg. tũc & ibid̃ exiſtent̃, & in malum & pernitioſum exemplum omniũ ligeor̃ dict' dn̄æ reg. ac contra pac' dict' dn̄æ reg. coron̄, & dignitat̃ ſuas, &c. Sect. 77.

For an affray and beating of one at the time of the Aſſiſes and Gaole deliuerie, holden before the Iuſtices of the Aſſiſe.

INquiſ̃ ſi F.F. &c. xj. die &c. vi & armis, &c. Iuſtic' dict' dn̄æ reg. ad Aſſiſas in com̃ pred̃ capiend̃, necnon ad gaolam eiuſd̃ comit' apud W. in eodem Com' deliberand̃ aſſign̄, adtunc iudicialiter ſedent̃ & exiſtent̃ in quendam W.C. in pace Dei & dict' dn̄æ reg. apud W. p̄d̃ exiſtent̃, ex malitia ſua præcogitata inſult̃ fecit & ipſum W. cum quod gladio quem idem F. in manu ſua dextra adtunc & ibid̃ habuit & tenuit, percuſſit ſuper caput ſuum, dans eid̃ W.C. diuerſas plagas, per quas ipſum W. in magno periculo vit̃ ſuæ poſuit, ita ꝙ de vita ſua deſperabatur, in magnum inſticie & legum huius regni Angl̃ contempt̃, et pernitioſũ exẽpl̃ alior̃, ac cont̃ pac' dict' dn̄ę reg. coron̄ & dignit̃ ſuas, &c. Sect. 78.

Or thus:

INquiſ̃ p̄ dn̄a reg. ſi O.P. &c. decimo, apud T. præd̃ in com̃ E. præd̃, tempore Aſſiſar̃, & generalis gaole deliberation̄ adtunc & ibid̃ tent̃, & ſedent̃ adtunc & ibid̃ Iuſtic' dict' dn̄æ reg. ad Aſsiſ. capiend̃ necnon ad gaolam dict' dom̃ reg. caſtri de T. pred̃ in com̃ præd̃ deliberand̃ aſsignat̃, vi & armis, & ex malitia ſua precogitata, in, & ſuper quend̃ I.C. nuper de S. in Comit̃ D. Yeoman, in pace Dei, & dict' dominæ Regin̄ adtunc & ibidem exiſtent̃, inſultum & affraiam fecit, & ipſum Sect. 79.

verberauit, vulnerauit, & maletract', & pref. O. adtunc & ibid' cũ quo-
dum gladio valoris 3. solid' & quatuor denariorũ, quem idem O. in ma-
nu sua dextra adtunc & ibid' habuit & tenuit pd' Iohannem C. adtunc
& ibid' percussit & pupugit, dans eidem I. C. adtunc et ibidem quod-
dam vulnus siue quandam plagam in latitudine vnius pollicis, & pro-
funditate quatuor pollicium, ita quod idem I. C. de vita sua maxime
periclitabatur, in magnam perturbationem tam præd' Iustic' dictæ dom̃
Reginæ, adtunc & ibid' in Curia pred' sedent, quam totius populi, & li-
georum subdit' dictæ dom̃ Reginæ de præd' com̃ S. adtunc & ibidem
confluent' & attendent', ac in magnum contempt' dictæ dom̃ Reg. ac
in iusticiæ ibid' exequend' & administrand' retardationem manifest', ac
contra pac' dictæ dominæ Reginæ, coron, & dignitat' suas, &c.

For Buggerie committed by a Minister being an Italian, borne in the Citie of Rome, with a boy of fifteene yeares old.

Sect. 80. IVrat' p dña reg. presentant, qd A. B. nuper de C. in dicto com̃ E. cle-
ricus (& alienigena in Ciuitate Romana Italiæ natus) decimo die
Martij vi & armis, apud C. præd' in com̃ pred', an. Reg. dñæ nr̃æ Eli-
zabethæ, Dei gratia Angl, Franc', & Hiberñ Reg. fidei defensoris,
&c. Tricesimo, in quendam I. S. de C. pd' in dict' com̃ E puerum mascu-
lum (ætatis non amplius quindecim annor̃, ac tunc ibid' in quodam lo-
co voc' le Stues, in pace Dei & dictæ dñæ Reg. existentem) insultum
fecit, ac cum dicto I. S. puero pd' sceleratissime, felon, ac cont̃ naturæ
ordinẽ tunc ibid' rem habuit veneream, dictũq; puer̃ carnaliter cognouit
ac sic cum eod' puero peccat' illud horribile, ac Zodomiticũ (Angl vo-
cat' **Buggerie**) adtunc ibid' feloñ commisit, ac ppetrauit, cont̃ pacem
dict' dñæ Reg. nr̃æ, ac cont̃ form' statuti in hmdi casu ꝓuis' ac æditi.

For Burglarie in a dwelling house in the night time, for taking out of money out of a chest, and for the accessories before the offences, and the accessories after.

Sect. 81. INquir' pro dom̃ Reg. qd cum I. H. nuper de H. in com' pred' Yeom̃,
ix. die Maij, an. Regin Reg. Eliz. &c. 34. vi & armis &c. dom̃ mansio-
nalem cuiusdam P. armig' apud H. præd' in com̃ E. præd' circa horam
decimam in nocte cuiusd' diei, felon & burglariter fregit & intrauit, &
quadraginta libras in pecunijs numeratis, de bonis & catallis præd' P.
in quodam cista in domo pd' adtunc existent' inuent' feloñ cepit & a-
portauit, contra pacem dict' dñæ Reg. & si quidam Christopherus G.
nuper de H. pd' in com̃ S. prædict' Yeoman, ante feloniam & burglar'

præd'

ꝑdict̃ ꝑ ipsum T.H. in forma pred' factam & ꝑpetratam, viz. sexto die Maij, anno 14. suprad', eund' T.H. apud H. pred' in com' E. pred' ad felon̄ et burglar' pred' in forma pred' sic faciend' felonice excitauit, abbettauit, & procurauit contr̃ pac' dict' dom' reginæ nunc, coronam & dignitatem suam. Et si quidam I. K. nuper de C. in com' S. pred' yeoman, sciens pref. T.H. felonam predict' in forma predicta sic fecisse & ꝑpetrasse eundem T.H. dicto decimo die Maij, anno supradicto, post felon̄ pred' ꝑ ipsum T.H. sic factam et ꝑpetratam, apud H. pred' in comitatu S. pred' felonice receptauit, confortauit, et hospitauit, contr̃ pacem dict' dom' reginæ coronam & dignitatem suam.

For Burglary in a dwelling house in the night time, for the assaulting & putting in feare of them in the house, and for taking of money out of a chest.

INquirat̃ ꝑ dom' Regina, si N.H. nuper de G. in com' E. pred' Y. T.E. nup' de M. in com' pred' Y. decimo die &c. inter horas vndec' et duodecim' in nocte eiusd' diei, vi et armis, &c. domum mansionale cuiusd̃ R.B. apud W. in predic' com' Eborum felonice et burglar' fregerunt et intrauer̃, & in ipsum R.B. adtunc et ibidem in eadem domo in pace Dei, et dict' dom' regin' existent', insultum fecerũt, eundem R. adtunc et ibidem in timore corporali vitæ suæ imposuerunt, vita quod de vita sua desperabatur, et quatuor libr' in pecunijs numeratis in quasd̃ cista infra domũ predict' adtunc existent', de bonis, catallis, & pecunijs cuiusdam I.B. adtunc et ibidem inuent', felonice & burglariter ceperũt et asportauerunt, contra pacem, &c. vt supra. Sect. 82.

For Burglary in a dwelling house in the night time, the taking away of a siluer salt, money, and three siluer pinnes.

INquiratur ꝑ domina Regina, si W. H. nuper de S. in comitatu D. Dyer, R.C. nuper de M. in comitatu W. yeoman, T. C. nuper de M. pdict' in comitatu W. pred' yeoman, et T.L. alias dictus L. nuper de M. pred' in pred' comitatu W. yeoman, & T. P. nuper de C. in comitatu S. yeoman, vltimo die Octob. ann' regni Regin' Elizabethæ, &c. quarto, circa horam vndecimam in nocte eiusdem diei, vi & armis, &c. domum mansionalem cuiusdam Marg. P. viduæ apud C. in pred' comitatu S. felonice et burglariter fregerunt et intrauerunt, et vnum Salinum argenteum vocat' a siluer salt, ad valentiam quinquaginta solid', x l. in pecunijs numeratis, tres aciculas argenteas ad valentiam vj. s. viij. d. & tres annulos argenteos valor̃ vj. s. de bonis, catallis, & pecunijs præf. Marg. adtunc & ibid. inuent' felonice ceperunt & asportauerunt, contra pacem &c. vt supra. Sect. 83.

For Burglary in a dwelling house in the night time, a woman then being in the house, and for taking away of xx. li. out of a cupboard in the house.

&c. 84. IVratores p̄ dom̄in regina p̄sentant, quod T. S. de W. in dicto com̄ Baylor, quarto die mensis Febr, anno regni dictæ dominæ nostræ Elizabeth gratia, Angl, Franc', & Hibern, reg', fidei defen, &c. vicesimo nono, vi & armis, &c. domū mansionalem cuiusdam N. G. de W. p̄d apud S. in dicto com̄ Butcher, nocanter, viz. (inter horas decimam et vndecim' post meridiē eiusdem diei) quadā P. vxore ipsius N. G. tunc in eadem domo in pace Dei et dict' dom̄ę regin existente, felonice & burglariter fregit et intrauit, & viginti libras legālis monetę Anglię de bonis pred' N. G. in quodam abaco in dict' domo existente inuentas, tunc et ibid̄ felonice cepit & asportauit, cont' pacem dict' dom̄in regin tunc, coronam, & dignitatem suam.

For Burglary in a dwelling house in the night time, for assaulting and putting in feare of them in the house, intending to kill or rob them in the house, and the accessaries before the offence committed.

&c. 85. INquirat' p̄ domina regina, si F. M. nup̄ de M. in com' D. Joyner, duodecimo die Aprilis, anno &c. circa horam duodecimam in nocte eiusd' diei, vi et armis, &c. domū mansionalē cuiusd' T. C. ich apud C. in com' S. p̄d burglar' & felon fregit et intrauit, et super quosd' R. S. & I. B. adtunc et ibid̄ in pace dei, et dictæ dom' reg' existent, insultum fecit, et eos d' R. & I. in corpor timore vitar' suar' posuit, ea intencione ad interficiend', vel saltem ad spoliand' pred' T. C. de bonis et pecūn suis, ad graue damnū ipsius T. & contra pac' dictæ dn̄æ, reg', &c. *vt supra.* Et si G. B. nuper de C. pred' in com' pred' Gentleman, ante feloniam pred' in forma pred' sic fact' et ꝑpetrat', eundem F. M. apud C. pred' in comitatu D. pred', viz. vicesimo die Ianua. Anno &c. vt supra, ad feloniā p̄dic' in forma pred' sic faciend' felonice excitauerunt, abbettauerunt, & procurauerunt, contr' pacem dictæ dom' &c. vt supra.

For burning of a dwelling house in the day time, with a pound of gun-powder put in a bundle of straw in the house, the owner of the house then being in the same house.

&c. 86. IVratores pro dn̄a regina p̄sentant, quod A. B. nuper de C. in com̄ E. pred' Victualer, octauo die mensis Iulij Anno regn̄ dictæ dn̄æ nostræ Eliz. Dei gratia Anglię, Francię, & Hiberni, reg' fidei defensor &c. Tricesimo, ad domū mansional' E. F. de C. pred' in com̄ pred' gener', in C. pred' in dict' com' E. existent, vi et armis, inter horas sextā & septim̄ ante merid' eiusd' diei accessit & cum vna libra puluer' tormentar' ad valenc' 12. denar' et face quadā ignita, quā dict' A. B. tunc et ibi-

dem

dem in manibus suis tenuit, ignem in quoddam fasciculo straminis tunc in dicta domo existentis, ex malitia sua precogitata felonice accendit, vnde eadē domus tunc ibid̄ totaliter cremata et combusta fuit (eodē B.F. tunc in pace dict̄æ dn̄æ reg. in dicta domo sua existen) Et si p̄d A. B. dicto 8. die Iulij, anno supra, apud C. pred, domum mansionalem pred̄ E. pred, modo & forma pred, voluntarie ex dict malitia sua precogitata, & felonice incendit & combussit contra pacem dict dom reg. nr̄e, ac coronam et dignitatem suam.

For Burglarie and burning of a dwelling house in the night time, hauing an intent to rob it, and the putting of diuers persons in feare, then being in the house, and the accessaries before the offence, and accessaries after the offence.

INquis̄ p̄d dn̄æ reg. si W.S. nup de O. in com E. p̄d̄ Smith, die Feb. &c. Sect. 87.
13. circa horam 12. in noct̄ eiusd̄ diei, vi et armis, viz. gladijs, cultis, baculis, arcubus & sagitt̄, apud S. in pred̄ com E. ad domū mansionalem cuiusd̄ I.G. simul cum alijs veniebat, ea intentione ad spoliand̄ dict I. de bonis et catallis suis in ead̄ domo tunc exist', ac si idē W. super tect̄ eiusd̄ domus vulgariter nuncupat̄ (the couering of the house) ad tunc et ibid̄, cū vna scala ascendebat et scandebat, ea intentione, p̄ tect̄ pred' ad intrand̄ et ingred̄ in dom' illam, ac si dictus W. simul cū alijs pred' I.G. R.C. M.P. et F.G. in ead̄ domo tunc exist' tam̄ timor corpor̄ tunc et ibid' inferebant ita q̄ de vitijs suis desperabāt, ac si dict W. simul cum alijs pred' adtūc et ibid' ex malitia sua p̄cogit, eand̄ dom cum igne tunc et ibid̄ felon cōburebat, pred' I.G. R.C. M.P. et F.G. in ead̄ domo exist', cont̄ pac' &c. *vt supra*. Ac si W.R. de B. in Com' pred' yeoman, & W.I. de S. in com E. pred̄ generōsante felon pred' p ipsos I.G. et alios fact̄ et ppetrat̄ pred' W.S. pred' 27. die Feb. anno supd, apud W. pred' in com' pred' ad felon pred' sic in forma p̄d faciend̄ et ppetrand' felon excitauer̄, procurauer̄, et abbettauer̄, cont̄ pac' &c. ac si pred̄ W.R. et W.S. scientes pred̄ W.S. simul cum alijs supra' felon pred' in forma pred' sic fecisse et ppetrasse, eund̄ W.S. hospitio, scz. 27. die Febr̄ anno pred' apud' B. pred' in com E. pred' felon receper̄, confort̄, hospitauer̄ et concelauer̄, contra pac' dict̄æ &c. *vt supra*.

For breaking and burning a barne with Corne of diuers sorts in it, as well in sheafe as threshed.

INquiratur p̄ Dominā Reginā, si I.M. de D. in Com M. yeoman, 3. Sect. 88.
die &c. apud I. in com' E. vi et armis quoddam horreum cuiusdam

I. S. apud I. predict' in p̃d' Com' E. quar' et existen' in feloniam fregit et intravit, & quibusd' canibolis tunc ibi ex eo existen' quas I. tunc et ibid' in manibus suis tenuit ad tunc et ibid' ex malitia sua p̃cogit' et ex instigacõe diabolica I. hom' pred' cum diversis granis et garbis, viz. trib' quarterijs hordei, et quatuor quarterijs frumenti, et duobus modijs avenar', & 4. carr' & 2. hord' in garbis in eodem horreo adtunc existen' ignē accensū adtunc et ibid' voluntarie, et felon' imposuit, et cum eod' igne adtunc et ibid' hor̃ pred' cum omnibus granis & garbis sup̃d' in eod' horreo adtunc et ibid' existen' voluntar', et felon' combussit, et total' cum igne illo felonice voluntar' consumpsit. cont' pac' dict' dñæ reg. &c. *vt supra.*

For maintenance in a Assise of Nouell disseisin, for to haue the moity of the land in question, and ten hundred pounds in money.

Sect. 89. VIr. p dñā reg. present' quod I. C. T. C. ac I. P. de O. in com' E. gen' (alijs de consideracione et bouina predict' I. C. T. C. et I. P. existen') quodd' placit' Assisæ nouæ disseisin' qd nup̃ summon' fuit' in cur' dict' dñæ reg. coram dilectis et fidelibus dictæ dñæ reg. I. S. et I. K. & alijs nup̃ justic' ipsius dom' reg. ad assisam illam capiendam assignatis, p̃ breve ipsius dñę Reg. inter W. S. querent', & I. H. tenentem, de quodam libero tento in N. et S. in Com' E. pred', (viz. p̃ medietate inde sibi & heredibus suis imp̃petuū) viz. p̃ C. l. sterling' in pecunia numerata in hac parte habenda, per concessionem inde inter pred' N. S. et prefatos I. C. T. C. et I. P. 20. die mensis Augusti, Anno regni dictæ dñæ nostræ Elizabethæ, Dei gratia, Angliæ, Franciæ, et Hiber' regin', fidei defensoris, &c. Tricesimo apud O. predict' in dicto comitatu factam p̃ qd W. S. contra prefat' I. H. dict' die, anno, et loco, assumpserunt manutenend', et manutenuerunt. in magnum dict' dñæ reg. contemptum ac contra formam diuersorum statutorum, huius regni sui Angl' in hm̃di casu p̃uis. ac p̃ditorum.

For maintenance in an Assise of Fresh force, to haue part of the land in question, and part of the damages to be recouered.

Sect. 90. IVrator' p̃sent' quod cum de communi consilio regn̄ dom' E. nuper reg. Angl' primi p̃genitor' dñæ reg. nunc prouisum sit, quod nullus Minister vel aliquis alius manut' placita, querelas, vel negotia, quæ sunt in cur' dñi reg. de ter', tentis, aut alijs rebus quibuscunq; p̃ pte rei petitæ vel aliquo p̃sentio p̃ conuention' facta' inde hend', nec aliquis ius sum sub hm̃di condition' alteri dimittat. Quid W. P. &c. simul cum R. S. &c. tali die

& anno quand querelam cuiusdam Ass. friscæ forcie q̄ est in Curia dñæ Reg. nunc Ciuitatis E. coram E.B. Maior & C.D. vicecom eiusd Ciuit sine breui ipsius dñe Reg. 2. consuet Ciuit pred, int quosd I.R. et T.L. de vno messuag' cū ptiñ in Ciuit pred', pro parte eiusd messuagij, viz. pro medietate messuagij illius, sibi & hered suis imperpetuum, & alio proficuo, viz. pro medietate damnor in querela assise pred' recuperād inde habend', per conuentionem inter pref. I. ac pred' W. & R.S. apud E. pred' factum assumpsit manutenend, et manutenuit, ad graue q̄ domū ipsius T.L. & cont formam, puisionis pred, &c.

For a Riotous assault and affray made vpon a Vicar in his Church, and for the imprisoning of him in a paire of Stockes.

INquirat &c. A.T. &c. H S. &c. & W. K. aggregat &c. 22. die Iulij, &c. vi et armis &c. apud C. in Com S. riotose &c. in R.L. vicar Eccl' paroch' de C. pred, in pace Dei et dict dom Reg. in Eccl' pred tunc exist' insult et affraia fecer, et ipsum R.L. ab Eccl' pd tunc violent et manifort extraxer et vsq; cippos duxer, et ipsum imprisonauer, et maletractauer, et alia enormia ei adtunc & ibid intuler, ad graue damn ipsi' R.L. cont form stat in hmdi casu edit et prouisi, et cont pac' dict dom, &c. Sect. 91.

For absence from Church for six moneths vpon the Statutes of primo & decimo tertio of the Queene.

IVratores pro domina Regina super Sacramentum suum presentant, quod A.B. nuper de C. in Com pred' E. Ar, qui 10. die Iulij ann regni domine nostre Elizabethæ Dei gratia Angliæ, Franciæ, & Hiberniæ, reg. fidei defensoris, &c. Tricesimo, fuit etatis 16. annorum & vltra, non accessit (Anglice did not repaire) ad Ecclesiam parochial' de D. pred' nec ad aliquam aliam Ecclesiam, capellam, aut vsualē locum communis precation et ibidem moratus fuit tempor communis precation, ad aliquod tempus infra sex menses tunc proxime sequentes, sed abstinuit ab eisdem (Anglice hath forborne the same) p spacium pred' sex mensium, contra formam cuius dam statuti apud Westm in Com Midd ann reg. dict dñe Reg. nunc primo, pro vniformitate communis precation editi et prouisi, ac contra formam statuti anno reg, dict dom reg. nunc 23. in hmdi casu editi et prouisi, ac in contempt dicte domine regine nunc' et contra coronam, et dignitatem suas. Sect. 92.

For

For drawing a dagger vpon one in the Churchyard, to the the intent to strike him.

Sect. 93. INquir̃ p dñm reg. si O. F. de L. in com̃ E. p̃d̃ gen̄ 8. die &c. in cemiterio Eccleſie paroch' de L. pred̃ in dicto Com̃, malitioſe extraxit pugion̄ ſuum in quend̃ I. S. de L. p̃d̃ yeoman, ea intentione ad p̃cutiend̃ p̃d̃ I. S. cū dicto pugione, cont̃ pac' dict' dñe reg. nr̃æ nunc, ac cont̃ form̃ ſtat' in pliamto dñi Ed. nup̄ regis Angl̃ ſexti tento apud Weſt. in Com̃ Midd̃, anno reg. dicti dñi reg. 5. in hm̃di caſu prouiſi, ac editi.

For fighting with a weapon in the Church-yard contrarie to the Statute of Anno 5. Ed. 6.

Sect. 94. IVr̃ p̃ſent̃, q̄ cū in ſtat' in pliamto dñi E. nup̄ reg. Angl̃ 6. apud Weſt. anno regni ſui 5. tent̃, edit, int̃ cetera ſtabilit' exiſt' &c. Quod ſi aliqua perſona ad aliquod temp' poſt 1. diem Maij, tunc p̄xim̃ ſequent̃, malicioſe p̄cuter̃ aliquam p̄ſon̄, cum aliquibus armis in aliqua Eccl̃ ſiue cemiterio, vel poſt eund̃ 1. die Maij, extraheret aliqua arma in aliqua Eccl̃, ſeu cemiterio, intention̄ ad p̄cutiend̃ alium cū eiſd̃ armis, q̄ tunc quælibet p̄ſona ſic offendens et inde conuict' per veredict' 12. hominū vel per ſuam p̄priā confeſſion̄, vel p̄ 2. legales teſtes, coꝝ Iuſt' Aſſiſar', Iuſt' audiend̃ et terminand̃ ſiue Iuſt' pacis in Seſſionib' ſuis, virtute illi' act' adiudicaret̃ p eoſd̃ Iuſt' corā quib' talis p̄ſona ſic conuinceret̃ ad habend̃ 1. aurium ſuar̃ abſciſſam, & ſi illa p̄ſona ſiue p̄ſonæ ſic offend̃ non haberet ſiue nō haberēt aliquas aures, ita q̄ illiuſmodi pœnā ſubir̃ (vt preferꝰ) q̄ tunc ipſe vel ipſi ſignarent̃ in bucca, Angl̃ cheeke, ferro candenti, Angl̃ a hot iron, haben̄ hanc liter̃ F. p̄ quā ipſe vel ipſi cognoſci et haberi poſſint pugnat' effector̃, et pugnatores, & vltra hoc quælibet talis p̄ſona foret et ſtaret ipſo facto excommunicat', p̄ut in cod̃ ſtat' pleni' continet̃. Quid̃ tam̃ G. B. nup̄ de S. &c. 2. die Iunij, &c. vi et armis, viz. &c. cum quod̃ pugion̄ in quēd̃ T. C. in pace Dei et dict' dom̃ reg. exiſt' apud C. in com̃ E. p̃d̃ in cemiterio Eccl̃ paroch' de C. pred̃ inſult' fecit, et ipſum T. ſuper caput ſuum adtunc et ibid̃ malitioſe percuſſit, et alia enormia ei intulit ad graue dam̃num ipſius T. et cōt̄ pacem dict' dom̃ reg. &c. ac contra formam ſtatuti predict', &c.

For abſence from the Church for certaine Sondaies and Feſtiuall dayes vpon the Statute of primo of the Queene.

Sect. 95. IVr̃ p̄ dñm reg. preſent̃, q̄ cum in ſtatut' in Parliamento dom̃ Elizab. Dei gratia, &c. anno Reg. ſui 1. tent̃ apud W. in Com̃ M. inter alia inact̃at' et ordinat' exiſtet, quod poſt feſtum S. Io. Bapt' anno reg. dict'

domi-

domin̄ Reg, omnis et singula persona siue personæ inhabitant in hoc regno Angliæ aut aliquo alio dominiorum dict̄ domin' reg', diligenter et fideliter, habentes nullam legalem seu rationabilem excusationē ab essendi, admitentur adire suam parochialem ecclesiam vel capellam cō-suetam, vel super rationabile impedimentum, aliquem visitatum locū, vbi com̄unes precationes, et diuina seruitia, in actu illo mencion̄ celebratæ fuerint tempore talis impedimenti, quodlibet die Dominico, et alijs diebus ordinat̄, & visitatis obseruari vt festiuis diebus, et tunc & ibid̄ manere secundum ordinem et sobrie, durante tempore precū cō-muñ, prædication̄, aut aliorum diuinorum seruitiorum ibid' vtend' & ministrand̄, sub pœna punitionis per censuras Ecclesiæ, & etiam sub pœna, quod quælibet persona sic offend̄, forisfaciat pro qualibet tali offensa 12. denarios leuand̄ per gardianos Ecclesię parochialis vbi talis offensa foret fact̄ ad vsum pauper inhabit̄ eiusdē parochię de bonis, terris, et tenementis, talis offend̄ per modū districtiōn, prout in statut̄ pred' continet, cumq; T.R. de D. in com̄ pred' arm̄ et A. vx' eius, vtroque eor̄ exist' etatis 16. ann̄ et amplius, ac existent̄ parochian̄ eccl' pochiæ de T. pred', in pred' com̄ E. infra quam quidē eccl' cōes precation̄, & alia diuina seruit̄ in statut̄ pred' spec' post pred' fest' natiuit̄ S. Io. Bap. anno primo suprad̄, scz, die dominico px' post fest' S. Mich. arch. anno regni reginæ Eli. dei gratia &c. 12. diebus dominicis tunc prox' sequent̄ et 8. alijs diebus festiualibus eisdem 12. dies dominicas interuenient̄ dicebantur et vtebantur, pred' I. & A. non habentes legalem nec rationabilem excusationem, seu impedim̄ent̄ abessendi ab eccl' p̄d', in diebus pred' tempore pred' commun̄ precum, prædicationum, et diuinorū seruitior̄ ibidem tunc dictorum habitorum et ministratorū, non solum non admitebantur adire Eccles. parochiam̄ de D. præd' existen̄ eorum Ecclesiam consuetam, in predicto die domin̄ proxim̄ post prædictum festum sancti Michaelis arch. anno regni dictę dominę reginæ nunc 34. suprad̄ et pred' alijs 12. diebus dominicis tunc proxim̄ sequent̄, & predict̄ alijs octo diebus festiualibus inter eisd̄ 12. dies dominicas interuenient̄ tempor̄ predict̄ commun̄ precation̄ & diuinorū seruitiorum ibidem in diebus illis dictorum, habitorum, & ministratorum, sed etiam odio habent̄ & contemnent̄ Euang' & salub' Dei verbum & dictam dominam reginam, & leges suas, seipsos voluntar̄ absē-tauerunt, et vterq; eorū voluntarie seipsum absentauit ab ecclesia præd̄ die dnco px' post fest' S. Mich. Arch. anno regni dictæ dñæ reg' nunc 34. suprad̄ &c. p̄d̄ alijs 12. diebus dñicis tunc px' sequent̄, & pred' alijs 8. diebus festiual' inter eisdem 12. dies dominicas interuenient̄ tempor̄ pred' commun̄ precum, predication̄ & diuin̄ seruicior̄ ibidem in diebus illis dictor̄, habiter̄ & ministrator̄, contra pacem & in contēpt̄ dictę dñæ reg. nunc et legem suam et coronam et dignitatem suam, ac

contra

contra formam statuti prædicti, & in pernitiosum exemplum malefactorum, &c.

For taking of Conies in a free warren in the night time.

Sect. 96. INquir' &c. si E.D. &c. vi et armis, viz baculis, falcast' is, arc', & sagit', & alijs armis defensiuis, parcum seu liberam war' C.B. apud A. in comitatu p̄dicto D. circa horam decimam in nocte eiusd' diei fregit et intrauit, et in eodem parco siue liber' war', leporaris, liciscis et retibus voc' purſnets, sine licentia dict' T.B. vēabant' et 40. cunic' valor' 13. s. 4. d. de bonis et catall' ipsius T.B. adtunc et ibid' inuent' cepe' & asportaue' ad graue dampnum ipsius T.B. et contra pacem, &c.

For conspiring and combining to indict one for stealing of an horse of one of the conspiratours, and for procuring of diuers false suites to be brought and pursued in the names of the conspiratours, and of diuers others against diuerse persons.

Sect. 97. IVratores, &c. presen' quod I.P. nuper de I. in predict' comitatu E. & R.B. nuper de C. in predicto comit' E. gener' vna cum alijs quamplurimis personis adhuc ignot', contra legem domini regis ac formā statutorum in huiusmodi casu prouisorum, conspiratione et conuina apud T. predic' die &c. habit', diuersis tempor' postea simul vnit', confederati, et iurati falso fraudulent' et malitiose venē ad vindic', destruend', perturband', placitand', adnihilland', & similit' adnullland', fideles & innocente ligeos dicti dom' regis p lucro ad eorum proprium vsum capiendo, societatem inierunt, et ad inuicem iurauerunt, ad simul standum contra dictum dominum regem, et quoscunque legeos suos in omnibus et singulis materijs placitis et querelis, per ipsos et eorum quemliber motis seu mouendis. Et si eorum aliquis cum aliquo, placita materiam, seu querelā mouer', quod ipsi et eorum quilibet cum eo, sic materiam querelā, seu placitū mouent' stare, et perseuerare deberent et deberet. Et si aliquis eorum aliquam querelam seu placitum non ine alterius personæ cuiuscunque, versus aliam personam super se assumpserit manutenend' extunc eorum quilibet querelam, sectam, seu placit' pred' tanquam querelam, sectam, seu placitum, nomine eorum p̄secut', manuteneret, foueret, et teneret, recto, veritate, iustic' et iure, omnio postpositis et sublat'. Virtute quorum quidem vnitionis, conspirationis, iuramēt', confederationis et manutentionis, prædictorum I.P. R.B. & al' sic in vnum globat', et iurat', postea, videlicet die &c. Anno &c. conspiratione inter eos apud C. in comit' p̄dicto prehabita, quendam I. H. de eo quod ipse die, &c. anno &c. vnū equū pretij, &c. de bonis & catallis p̄dict' I.P. R.B. apud S. inuent' felonice furat' fuit cepit et abduxit falso et malitiose indictari p̄curaue'. Et predict' I.P. & R.B. & alij modo & forma p̄d' vniti & confederati diuersa falsa placita, sectas, & querel'

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innumerabiles, tam nominibus eorum ꝑprijs, quam nomiñ aliar̃ perſonarum eis falſo & malitioſe congregat̃ & vnit̃ proſecuti fuer̃, & manuteruerunt & indies proſequntur & manutenent, viz. p̃d̃ I. P. ad hundred' domini P. militis apud C. p̃d̃ 13. die anno &c. tent̃ eod̃ē I. adtũc Balliuo eiuſd̃ hundred̃ exiſten̄, ad ſtatum & poſſeſſionem R. S. & A. vxris ſuæ adnulland': Et pro eo q̃ ad quamlibet curiam hundred' ibidem ſucceſſiue tenend̃ præd' R. vxorem ſuam ibid' producere nequiret, ita q̃ exceſſiua amerciament̃ in ſtatus eor̃ depauperationem fierent & euenirent, conſideracion̄ taxator̃ amerciament̃ Cureæ p̃d̃, ſemper de couina p̃d̃ I. P. extiter̃, treſdecim querelas de placito tranſgreſ. nomine W. Y. & R. B. quatuor querelas tranſgreſſion̄ nomine W. E. abſq; vera materea ſeu iuſta cauſa, ſeperat̃ verſus p̃d̃ R. S. & A. leuauit & intranit, ac præd' querentes hm̃di querelas leuare ꝑcurauit ad graue damn̄ ipſor̃ R. & A. & cont̃ form̃ ordinationis in hm̃di caſu ꝑuiſ. &c.

For a conſpiracie of diuers Bakers touching the making of bread.

IVratores ꝑ dom' Regina preſent̃, q̃ A. B. C. D. E. F. & G. H. de M. in dict' com' L. Piſtores 2. die Octob. anno regni dn̄æ nr̄æ Eliz. Dei gratia Angliæ, Franciæ, & Hiberniæ Reginæ, fidei defenſor̃ &c. Triceſimo nono, apud M. præd', in com̃ E. præd' inſimul conuenerunt, cõſpirauer̃, ac mutuo inter ſe promiſer̃, q̃ pan̄ denarij de integro frumẽto (ꝑ eos ſeu eor̃ aliquem, tũ deinceps faciend' ac vendend̃) non amplius quã 2. libras & 6. vncias Troici ponderis habebit & ponderabit (qdcunq; impoſter̃ foret vnius quaterij frumti ptium:) in dictæ dn̄æ Reg. nunc contempt̃, ac in extrem̃ pauper̃ dictæ dn̄æ reg. ſubditor̃ grauam̃, nec non cont̃ form̃ ſtatut̃ in hm̃di caſu ꝑuiſor̃ & editorum. Sect. 98.

For the taking of vnreaſonable diſtreſſe contrary to the Statute of Merton, Anno 52. H. 3. cap. 4.

IVrat̃ preſent̃ ꝑ dom̃ Reg. qd cum in ſtatut̃ in Parliam̃t tent̃ apud M. anno H. 3. nuper Reg. Angl' 52. int̃ cetera ordinat̃ ſit, q̃ diſtrictiones ſint rationabiles & non nimis graues & qui diſtriction̄ fecerint irrationabiles & indebitas, grauit̃ amercient̃ propt̃ exceſsiuam diſtriction̄ ipſor̃, ꝑut in ſtatut̃ præd̃ plenius continetur. Quidam tamen A. B. de &c. ſtatut̃ p̃d̃ & pœnam in eod' content̃ minime ponderans 12 die Iunij, anno regni &c. duas vaccas de bonis & catal̃ W. F. &c. apud G. &c. in eodem com̃ N. pro quinq; ſolid̃ in pecun̄ numeratis irrationabil̃ & exceſsiue diſtrinxit & ꝑ diſtrictione cepit vbi tempore diſtrictionis & captionis præd' &c. quarunlibet præd̃ vaccarum preciũ capitis erat xx. s. contra formam ſtatuti præd' &c. Sect. 99.

For

For the taking of a distresse out of his fee, and in the high way contrarie to the Statute of Merton, Anno 52. H. 3. cap. 15.

Sect. 100. IVrat̃ præsent̃ pro domina Regina, qd̃ cum in statut̃ in Parliamento tẽto apud M. anno H. 3. nuper Regis Angl̃ 52. nulli de cetero liceat ex quacunque causa districtiones facere extra feodum suum, nec in via regia, aut in communi strato, nisi domino regi, aut ministris suis specialẽ authoritat̃ ad hoc habentibus, put in statut̃ prædꝯ plenius continetur. Quidam tamen P.B. & C.D. de &c. statut̃ pdꝯ & pœnã in eod̃ content̃ minime ponderantes 2. die Iun̄ anno &c. 2. vacc' de bonis & catall̃ E.D. &c. apud F. &c. extra feod̃ ipsoꝝ siue ipsoꝝ alicuius, in commun̄ strato voc' &c. adtunc & ibid' existent̃ distrinxer̃, & pro districtiõ ceper̃, nec tempore districtionis pdꝯ A.B. C.D. non fuer̃ ministri, nec aliquis eorũ fuit minister dict' dom' reg. nec habuerunt, nec aliquis eorum habuit specialem authoritat̃ ad illud faciend̃, cont̃ pac' &c.

Against Egyptians vpon the Statute of primo & secundo of King Philip and Queene Mary.

Sect. 101. IVrat̃ præsent̃, qd̃ cum in statuto in parliamento domini P. & domin̄ M. nuper Regis & Reginꝭ Angl̃ apud W. x. die No. annis Reg. suorũ 1. & 2. tent̃ ædit̃ inter alia ordinatum exist̃it, &c. quod si aliqua persona siue personæ seipsos appellantes Ægiptianos qui transportarentur, vel conueiarentur in hoc reg. Angl̃ siue Wallię continuarent & remanerent, infra idem, per spacium vnius mensis, quod tunc ipse vel ipsi sic offenden̄, virtute actus pdꝯ adiudicat̃ & estimati essent felones, & proinde sustinerent pœnas mortis & forisfact' terrar̃ & bonorum, vt in casu feloniæ iuxta ordinem communium legũ huius reg. Et super examen̄ eoꝝ siue alicuius eoꝝ, triarẽtur in com', ac p inhabitantes illius com̃ vel loci vbi ipsi vel ipse apprehenderentur, siue caperent̃, & minime p medietatem linguæ, & amitterent libertatem & priuilegiũ Sanctuarij & cleri prout in eodem statuto plenius apparet. Quidam tamen M.P. & P.R. de &c. seipsos appellantes Ægyptianos, statut̃ pdꝯ minime põderantes, nec pœnam &c. qui primo die Aprilis anno &c. in hoc regnũ Angl̃ transportat̃ & conueiati fuerunt, ab eodem primo die Aug. anno &c. supradicto vsq; decimum diem Sept̃ extunc proxim̄ sequen̄ apud C. in pd̃ com̃ E. continuauerunt & remanserunt in eodem, otiosas vitas suas non relinquentes, nec seipsos in seruit̃ alicui" habilis & honesti subditi huius Reg. Angliæ collocar̃ querentes, neq; seipsos in aliquo oper̃ licito

licito siue occupatiõ honesta exercentes, in dom̃ reg' nunc contẽptũ, ac cõt̃ form̃ statuti p̃d̃, &c.

Against Ægiptians vpon the Statute of 5 of the Queene.

IVratores p̃sentant &c. qd cum in Statũt̃ in parliament' dñæ Reginæ nunc apud Westmoñ in com̃ Midd. 13. die Ianuar̃. anno Regni sui quinto tenẽt, edit̃ inter alia, &c. qd omnis & singulæ persona & p̃sonę quæ ab, & post prim̃ diem Maij, tunc prox' sequent̃ visæ vel inuentæ forent infra hoc Reg' Angl̃ siue Walliæ, in aliquo commertio vel consortio vagabundorum vulgo vocat̃, siue seipsos appellañ Ægiptianos vel seipsos simulantes, transmutantes siue fucantes, Angl' disguising p̃ eorum vestitum, locutionem, aut aliam gesturam consimiles hm̃di vagabundis communiter appellat̃ vel seipsos appellantibus Ægiptianos & sic facerent, continuarent & remanerent in eisdem, aut semel vel sæpe, per spaciũ vnius mensis, q̃ tunc eadẽ persona siue personæ virt̃ hui' actus estimatæ forent & aiudicarentur felo & felones, & proinde sufferent pœnas mortis, ac amissiõ terrarum & bonorum, vt in casib' feloniæ, secundum ordinem cõmunium legum huius regni. Et super eorum siue alicuius eorum examinat̃ in hac parte triarentur in com̃ ac per inhabitantes comitatus vel loci, vbi ille vel illi apprehenderent̃ siue caperentur, & non per medietat̃ linguæ, & amitterent priuilegium, et benefic' sanctuarij, et cleri, prout in eodem Statuto plene liquet. Quidam tamen A.B.C.D. &c. Statutũ præd̃ minime ponderantes nec pœnam in eodem content̃ verentes, post præd̃ primum diem Maij, scz. tertio die Aug. anno regni dom̃ regin̄ nunc 35. apud E. in com̃ præd̃, visi, & inuenti fuerunt in commertio & consortio vagabundorum vulgo voc' & seipsos vocantium Ægyptianos, ac seipsos simulantium, transmut̃, & fucant̃, per eorum vestitum, locutionem, & gesturam, consimiles hm̃di vagabundis qui vulgo vocant̃ Ægyptiani, & sic fecerunt, continuauer̃, et remanser̃ ibid̃, et alibi in eod̃ com̃, a præd̃ tertio die Aug. anno 35. supradicto vsq; vic' diem Iulij tunc p̃xim' sequent̃ in dict̃ dom̃ reg' nunc contẽptũ, ac cõt̃ form̃ Stat. præd̃ &c. Sect. 102.

For pulling out of eyes.

IVratores p̃ domina regina p̃sentant, quod A.B. de C. in dicto comitatu E. Tinker, nono die Septembris, Anno regni dict̃ Domine nostre Elizabethæ, Dei gratia, Angliæ, Franciæ, & Hyberniæ, Reginę, fidei defensoris &c. Triceſimo nono, in quodam loco apud C. prædictam, in comitatu E. præd̃ (vocat le Deane) vi et armis in quendam D. F. de C. predicta in com̃ E. predicto Yeoman, in pace dict̃ Domine Regine Sect. 103.

Reginæ tunc ibidem existentem, insultum fecit, adtunc & ibidem ex malitia sua præcogitata, digitis & vnguibus digitorū ipsius A.B. oculos ipsius D. E. felon effodit & eruit contra pac' dicti domini Regis nostri, coronam & dignitatem suam, ac contra form' cuiusd' statuti in parliamento domini Henrici olim Regis Angliæ quarti, tento apud Westm' in com' Midd, anno regni suo quinto in hūdi casu prouisi & editi.

For cutting out of Tongues.

Sect. 104. IVratores dicunt qd cum per statut in Parliamento domini Regis H. nuper Regis Angliæ, quarti, anno regni sui quinto, qd W. tento ædit, ordin sit, qd malefactores, qui linguas amputarent, vel oculos euelleret ligeorum domini Regis, hoc debit comperto & probato quod tale factum ex malitia prēcogitata fuit perpetratum, pœnam felonię incurrerent, put in eodem statuto plenius continetur: quidam tamen I. L. de, &c. pœnam in dicto statut contentam minime, verens, die &c. anno, &c. vi & armis, scz. &c. felonice vt felo dicti domini Regis, insidiand', & insultu prēmeditat contra pac' domini Regis coronam & dignitat suā, in illa sua præcogitata malitia venit, apud H. in com H. & in quendam N. M. adtunc & ibid' in pace Dei, & domini regis existent, insultum fecit, & ipsum verberauit, vulnerauit, ac quodam cultello, quē pd I. L. adtunc tenuit in manu sua dextra precij ij s. linguam ipsius M. adtunc & ibid' felonice eruit & amputauit, contra pac' domini Regis, &c. contra form & prouis. statut præd' &c.

An Indictment against a Gaoler for suffering of one committed to him upon suspition of felonie for stealing of a horse to escape.

Sect. 105. IVratores p domina Regina præsentant, qd vbi quidam A. B. nuper de C. in dicto com R. Yeoman et, sexto die Maij, anno regni dominę nostræ Eliz. Dei gratia, Angliæ, Franciæ, & Hiberniæ Reginæ, fidei defensoris &c. tricesimo quarto, apud C. predict' in com K. prędict' p suspitione cuiusdam felonię (videlicet vnius Equi, coloris albi, precij xl. solid' felonice per eundem A. B. vt dicebatur capti & abducti) arrestatus est & captus et coram T. F. vno Iusticiariorum dicti domini Regis ad pacem in dicto Comitatu conseruandam assignatorum ductus, & super inde postea, viz. dictis, die, anno, & loco, cuidam B. D. in Comitatu K. prædicto Yeoman, custodi gaolæ dictæ dominæ Reginæ apud M. in dicto comitatu K. existenti (sub custod I. F. armigeri, adtunc vicecomitis comitatus K. prędicti, & custodis gaolæ prædict') per quoddam præceptum de Mittimus dicti T. F. Iusticiarij, idem A. B. traditus est & commissus, ad saluo & secure custodiendum in gaola prædicta, donec idem A. B. inde foret legitimo modo deliberatus; præfat tamen I. F. (tunc vicecomes postea, videlicet,

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ſeptimo die dicti menſis Maij, anno ſuprad', apud M. præd' in com̃ K. præd', prefatum A.B. (adtunc & ibidem in dictis gaola et cuſtod' exiſtentem) à pred' cuſtodia et gaola, adtunc et ibidē euadere & ad largū ire voluntariè, & felonice permiſit, contra pacem dictæ domin̄ regin̄; coronam, et dignitatem ſuam &c.

Another Indictment againſt a Gaoler, for ſuffering of a woman committed to him vpon ſuſpition of felonie and murder to eſcape.

INquiratur pro domina regina, q̄ cum quedam M.N. nuper de B. in pred' comitat̄ E. ſpinſter, 10. die April' añ &c. p̄ ſuſpitione felonie et murdr̄ p ipſam M. apud B. pred' in com̃ E. p̄d' ſuper quendā W.P. fieri et ꝓpetrari ſuppoſit̄, capt̄ et arreſtat̄ fuit apud B. p̄d' in cū E. pred' et eiſd' die et anno pred' M. cuidā Richardo B. de N. in com̃ E. predict' Yeoman, cuſtod' gaolę dictæ dn̄æ regin̄ com̃ p̄d' ſub Georgio P. armig' adtunc vicecom' comitat̄ pred' et cuſtod' gaolæ pred', per quoddam breue de Mittimus W. M. milit̄, et I. M. armig' duor̄ juſticiar̄ dict' dn̄æ reginæ, ad pac̄ in eodem comitat̄ conſeruand' aſſign̄, ſaluo et ſecur̄ cuſtodiē' tradita fuit, quouſq; eadē M. a cuſtodia illa ſecundum legē et conſuetud' regni Angl', pro ſuſpitione murdr̄ pred' acquietat̄ ſiue deliberat̄ foret; Si pred' R.B. de N. pred' in pred' com̃ E. Yeoman, poſtea ſcz. 26. die Nouemb. anñ ſuprad' apud M. pred' in com̃ E. pred', pred' M. adtunc et ibidem in cuſtodia ipſius R. in gaol' dictę dn̄æ reginæ exiſtent̄, a gaola pred', adtunc et ibid' voluntar̄ et felonice euadere et ad largum ire permiſit, cont̄ pacem dictæ dom̃ reginæ nunc &c. Sect. 106.

An Indictment againſt diuers, for ſuffering of one which had confeſſed a felony before a Iuſtice of Peace, and deliuered to them by the ſame Iuſtice of Peace to be by them conueyed to the gaole, negligently to eſcape.

IVr̄ p̄ domina regina preſent̄ q̄ cū I.B. nup de C. in pred' com' E. Miller, 8. die Decemb. anñ regni reginæ Eli. &c. primo, clauſum cuiuſdā I.G. apud C. pred' in com̃ E. pred' fregit et intrauit, ac vnam iuuencam coloris Browne precij xx. s. de bonis et catallis dicti I.G. adtunc et ibidem inuent̄ felonice cepit effugauit, contra pacem dictæ dn̄æ reg', Et p̄ felon̄ pred' p̄ pref. I.B. ſic fact' et ꝓpetrat̄, arreſtat̄ fuit, et cor̄ G.R. armig' vno juſt' dictæ dn̄æ regin̄ ad pacem in com̃ pred' E. conſeruand' aſſign̄, necnon &c. p̄ pred' I.G. ductus fuit, et coram dicto G.R. dictus I.B. felon̄ pred' confeſ. fuit, et ibid' G.R. p̄ breue de Mittimus, pref. I.B. pro felon̄ pred' ad gaolam dictæ dn̄æ reginæ de I. in comitatu pred', quibuſdā I.C. de C. p̄d' Yeoman, R.B. de ead' Clothier, et Ric' M. de eadem Weauer deliberauit, ſaluo et ſecur̄ ducend' vſque Sect. 107.

gaolum p̄d̄ de I. p̄d̄, ibidem morat̄ quousq; idem I. B. abinde secundū legē & consuetud̄ regni Angl' deliberatus foret; Et si pred̄ I.C. R.B. & R.M. dicto 8. die Dec', anno supraḋ pref. I.B. apud C. pred̄ in p̄d̄ com' E. in eor̄ custod̄ virtute deliberac' p̄d̄ sic existen̄, ibid' negligen̄ a custod̄ suaad largum ire et euadere permiser̄, contra pac̄ dict' dom' reg', coron', et dignitatem suas &c.

An Indictment against a Coroner vpon the statute of Anno 1.H.8. *for extortion in taking of a fee for his view of the bodie of one slaine* per infortunium.

Sect. 108. IVratores pro domina regina presentant, q̄ cū p statut̄ in parliam̄to dñi H. nup̄ regis Angl' 8 anno regni sui primo, ordinat̄ est, et stabil̄ existit, q̄ sup̄ requisit̄ Coronator̄ fact' ad veniend̄ et inquirend̄ sup̄ visum corpor̄ alicuius person' p̄ infortunium occisæ, mersæ, seu alit̄ mort', Coron̄ pred̄ diligenter faceret officiū sup̄ visum corpois cuiuscunq; talis p̄son̄, vel personar̄, absq; aliqua de ꝓinde capiend̄, sub pœn̄ q̄ quilibet Coronator, qui officio suo vt pred̄ est fungi recusauerit, vel rem aliquā ceperet pro functione officij pred̄, sup̄ visum corporis alicuius p̄son̄ mortuæ p̄ infortunium, pro quolibet tempore xl.s. ꝓut in statut̄ p̄d̄ plenius continet̄. Quidam tamen W.B. de.H. in com' p̄d̄ gener̄ 12. die Dec' &c. adtunc exist' vnus Coronator̄ dict' dom' regiñ in com' E. pred̄, apud M. in com' E. p̄d̄, color̄ offic' sui p̄d̄ extorsit et iniurioſe cepit ꝓ feodo suo 20. solid̄ de quodā R.S. de B. in com' pred̄ **yeoman**, ꝓ executione officij sui p̄d̄ sup̄ visum corporis cuiusd̄ Iohañ C. nuper de B. in com̄ E, **Laboyer**, qui apud B. pred̄ in com̄ E. p̄d̄ 4. die Octob. anno &c. p̄ infortun̄ occis. fuit, in contempt̄ dict' dom̄ reg', ad graue damnum ipsius R.S. & contra formam statuti pred', & diuersor̄ aliorum statutorum inde ædit̄ & prouis.

The like against a Coroner vpon the statute of Anno 1.H.8.

Sect. 109. INquirator pro dom̄ regina, si A.C. de B. in comit̄ E. gener̄, sexto die Iunij, Anno &c. vnius coronator̄ dict' dom̄ regiñ in dicto comitatu E. adtunc existens, apud B. pred', in comitatu E. pred' colore officij sui pred̄, extorsiue cepit pro feodo suo 20. solid', de quodā I.S. in dict̄ com̄ gener̄, in, & pro functione & execut̄ officij sui predicti, sup̄ visum corpois R.N. nuper de B. pred' in comit̄ E. pred' (qui quidem R.N. 5. die dicti mensis Iunij, ann̄ supraḋ apud B. p̄d̄ in com' E. pred' casu, ab equo suo, p̄ infortuniū fuit occis.) in magnū dict̄ dom̄ reg' contempt. ac contr̄ formā statut̄ in parliam̄to dñi Henr̄ nup̄ reg Angl' 8. tento ann̄ regni sui primo, in hūdi casu ꝓuisi ac editi.

For

For Extortion by an Eſcheators ſeruant, in breaking and entring into a dwelling houſe, and for ſeiſing and taking out of the ſame certaine leather by colour of his office.

IVrator̄ ꝓ domina Regin̄ ꝓſentant̄, q̄ Rob. Bennet de P. in Com̄ E. Sect. 110.
p̄d̄ Y. ſeruiens et miniſter cuiuſd̄ B. T. Eſchaet̄ dict̄ dn̄æ reg. com̄ p̄d̄
15. die Iulij, &c. apud W. in com̄ pred̄ domū manſionalē cuiuſd̄ Ioh.
M. fregit & intr̄, et 6. tergora corij voc' 12. hides of greene Leather, ad
valenc' 8. l̄ & 6. duodenas pell' vitulor̄, voc' 6. dozen of calues ſkins, ad
valenc' 4. l̄. 10. s. q̄ quidē terg. et pell' adtunc & ibid̄ inuent̄ color̄ officij
ſui extorſiue et iniuſte cepit, ſeiſiuit, et aſportauit, ad graue damn̄ ipſi⁹
I. contr̄ leges et ordinat̄ dict̄ dn̄æ Reg' regni ſui Angl̄. & contra form̄
diuerſor̄ ſtatutorum in huiuſmodi caſu edit̄ & ꝓuiſ.

An Indictment againſt the Regiſter of an Archbiſhop for his extortious taking of more fees than he ought, for the probate of a Teſtament.

IVrator̄ ꝓ domina Regin̄ preſentant̄, q̄ A. B. de C. in dict̄ Com̄ E. Sect. 111.
generoſus, primo die menſis Aug' &c. adtunc ſcriba (ſiue regiſtrari⁹)
reuerendi in Chriſto patris D. tunc permiſſione diuina E. Archiep'
exiſtens, apud M. in Com̄ E. pred' colore officij ſui pred', extorſiue ac
iniurioſe cepit de quodam I. S. de M. pred' in dicto Comit̄ E. Manner,
duos ſolidos legalis monetę Angl̄, ꝓ ſcedo ipſius A. B. ꝓ ſcriptione
ꝓbationis vni⁹ teſtamenti cuiuſd̄ R. N. (qui quidem R. N. apud M. p̄d̄
infra dicœceſim dicti D. Archiepiſcopi viceſimo quarto die Iunij, Ann̄
ſupradict̄ mortuus eſt) vbi reuera idem Teſtament̄ tunc ibid' allatū eſt
ad dictum ſcribam (ſiue Regiſtrar̄) p dict̄ I. S. in pergameno ſcriptum:
& vbi omnia bona, Iura, et credita dicti R. N. dicto tēpore dict̄ mort̄
ſuæ nō excedebant ſummā quinq; libr̄: et vbi etiā tota dicta ſcript̄ ꝓbatio
teſtament̄ p̄d̄ p p̄f. ſcribā (ſiue Regiſtr̄) ſic vt p̄fert̄ fact̄ nō cōtinebat
in ſe 40. lin̄ quar̄ quæq; linea erat dec' pollic' in lōgitudin̄. In magn̄
dict̄ dn̄æ reg. cōtēpt̄, ac cont̄ form̄ cuiuſd̄ ſtatut̄ in Parliament̄ dn̄i Hen̄
nup reg. Angl̄ 8. tento ann̄ reg. 21. in hm̄di caſu ꝓuiſi ac æditi.

An Indictment againſt an Eſcheator vpon the ſtatute of 33. H. 8. for ſitting and inquiring by colour of his office, without Writ of lands holden of the Queene aboue the yearely value of fiue pounds.

IVrator̄ &c. quod cum in ſtatut̄ in Parliament̄ Domini H. nuper reg' Sect. 112.
Angl̄ octaui apud Weſtmonaſt. Anno regni ſui 33. &c. quod nullus

eſcheator ſederit tantum virtute officij ſui ꝑ inquiſitione de tenur̄, titulo, vel valore aliquar̄ ter̄r̄, tenementor̄, ſiue hereditament̄, vbi cad̄ ter̄r̄ teñta, ſeu hereditament̄, ſint valoris 5. libr̄ ꝑ añ, vel ſupra, & ten̄t de domino rege ſine breue domini Regis ſibi inde derigend̄ ſub pœna amittendi & forisfaciendi ꝑ quolibet tẽpore quo ſederet et faceret inquiſitiõ contr̄ form̄ huius ſtatuti, quinq; libr̄, in qua ſecta, &c. Quidã tamen R. S. ſtatut̄ pred', &c. exiſtẽ eſchaetor dñæ reg' in Com̃ E. pred̄ tali die et anno, apud D. in pred' com̃ E. ſedebat, tantũ colore officij ſui ad inquirend̄ poſt mortem cuiuſd̄ A. E. de tenura, titulo, & valore duor̄ meſ. 40. acr̄ paſc', 30. acr̄ prati, 50. acr̄ paſturæ, & 20. acr̄ boſci, cum ꝑtinẽñ in O. in Com̃ E. pred̄ annui valoris decem libraꝝ & vltra, & ten̄t de domina Regina, abſque aliquo breui ipſius dominę ſibi inde directo, in dictæ dominę Reginæ contemptum, & contr̄ formam & ꝓuiſionem ſtatuti pred', &c.

An Inquiſition taken before a Coroner vpon the view of the body of one which had hanged himſelfe in a leather girdle vpon the bough of a tree.

Sect. 113. INquiſitio indentat̄ capt̄ apud N. in comitat̄ pred' 13. die Apriſ̄ añ &c. 35. corã Iohañ N. geñ, vno Coronat̄ dict̄ dñæ Reg' comitatus p̃d̄ ſuper viſum corporis cuiuſd' H. W. de D. in Com̃ E. pred' ſho. ibid̄ mortui iacent̄ ꝑ ſacrament̄ &c. qui dicũt ſup̃ ſacrament̄ ſuũ, q̃ pred̄ H. 4. die Apr. añ reg' dict̄ dñe Reg' 35. ſupradicto, circa hor̄ 4. poſt meridiem eiuſd̄ diei, deum p̃ oculis ſuis nõ habens, ſed inſtigatiõ diabolic' ſeduct̄ in quodam prato cuiuſd̄ W. S. geñ apud T. in p̃d̄ Com̃ G. voc' E Meadow, adtunc et ibid' ſol' exiſtens, cũ vno ſingulo eorij p̃cij 1. den' q̃ ipſe adtunc et ibid̄ manib' ſuis tenuit et vnũ finẽ inde circa collũ ſuum adtunc et ibid' poſuit, et circa ramũ cuiuſd' arboris ſalicis alter̄ finẽ inde ligauit et ſeipſum adtunc et ibid' volunt̄ et felonice ſuſpend̄, ſuffocabat, & ſtrangulabat. Et ſic Iur̄ pred' dicunt ſup̃ ſacram̃t̄ ſuũ, q̃ p̃d̄ H. W. modo et form̃ p̃d̄ adtunc et ibid' volunt̄ et felon', vt felo de ſe, ſeipſum murdrauit cont̄ pac' dict̄ dñę Reg' ac q̃ idẽ B. nulla habuit bona ſeu catalla, ter̄r̄ neq; teñta. In cuius rei teſtimoñ tam pref. Coronat̄ quã Iur̄ pred' preſent̄ ſigill' ſua appoſuer̄, dat̄ die, añ et loco ſupradict̄.

Of forcible entry vpon the Statute of Ann. 5. R. 2. for pulling vp by the rootes of 100. pearches of quickeſet.

Sect. 114. IN primis ꝑ domina Regina &c. quod cum in Statuto in Parliament̄ Domini Reg' nuper Regis Angliæ ſecundi poſt conqueſtum apud Weſtm̃ in Comit̄ Middl' Ann' regn' ſui 5. tent̄, ædit̄, inter cetera ordiñ ſit quod nullus faceret ingreſſum in aliquam terram ſiue tenementa,

niſi

niſi in caſu vbi ingreſſus datur per legem, et in illo caſu, non manuſort, nec cum multitudine gentium, ſed licito et quieto modo tantum. Et ſi quis contrar fecerit, et inde debite conuict', fuerit p impriſonam corpor ſui puniatur, & fine ad voluntat domini regis fac', prout in eod ſtatuto inter alia plenius continetur. Quidam tamen T.H. de *I.* in com E. pred' **yeoman**, &c. et alij malefactores ignot &c. ſtatutu pred minimè ponderant ſecundo die M. &c. vi et armis viz. baculis, gladijs, falcaſtris, et bifurcis, in vnu clauſum *I.C.* militis iacent apud Arrow. in comit E. pred', in quodam loco ibid' voc' A. ſuper poſſeſſionem eiuſd *I.C.* militis, vbi ingreſſus eis aut eorum alicui non datur per lege illicite ingreſſum fecerunt, et centum particas ſæpium viuar ipſius *I.C.* milit, adtunc et ibidem creſcent eradicauer, euulſerunt, et ſpoliauer, in dictæ domin reg' nunc contemptum, et ad graue damnum ipſius *I.C.* militis, & contra formam ſtatuti pred &c.

For Forcible entrie vpon the Statute of Añ 5. R. 2. *for entring into a meſſuage, and expulſing of the owner thereof.*

INquiratur pro dom regina, quod cum in ſtatuto in parliamēto dom Rich. nuper regis Angliæ poſt conqueſtum 2. apud Weſtmon anno regni ſui 5. tent ordinat et ſtabilit exiſtit, q nulla perſona extunc faceret aliqnem ingr in aliquas terras vel tenem, niſi in caſu vbi ingr ei datur per legem, et in hmdi caſu, nó manuſort, nec cū multitud gentium, ſed quieto et pacifico modo tantū. Et ſi aliqua perſona extunc de cętero in contrarium faceret, & inde debito modo conuinceret, puniretur per impriſonament corporis ſui, et vlterius finem et redemptioñ eidem domino regi, ad voluntatem et placitum ipſius dom regis faceret, prout in eodem ſtatuto inter alia plenius continet. Sed quidam W. nuper de K. in com E. pd **Huſbandman**, *I.* W. ſen de E. in com E. pred **Huſbandman**, et *I.* W. nup de E. pred in com' E. pred' **Laborer**, ſtatut pred minime ponder, nec pœnam in eodem ſtatuto contentā aliqualit verent, ſed illud potius contenemtes, 24. die januar &c. apud S. in comitatu E. pred', in vnu meſſuagiū ſiue tenement exiſtens liber tenem cuiuſdam *I.H.* illicite et manuforti ingreſ. fecer, vbi nec ipſis nec cor alicui hmdi ingreſ. datur per lege, ac ipſum *I.H.* inde iniuſte expuler, ipſumque *I.* ſic inde expulſum, a pred' 24. die januar ann pred, vſq; ad 26. diem eiuſdem menſis tunc prox' ſequent, illicit et manuſort extratenuer, in contempt dictæ domin reg' nunc, et ad graue damnū ipſius *I.* et contra formā ſtatuti pred', ac contra pac' dictę dominæ &c.

Sect. 115.

An Indictment vpon the Statute of Anno 8. H. 6. for entring with force into a barne in the possession of the farmer thereof, and for keeping of the same with force.

Sect. 116. IVratores p̄ domina regina, &c. quod cum in statuto in Parliamento Domini H. nuper Regis Angliæ sexti, apud Westm̄ in comit̄ Midd̄, anno regni sui 8. tent̄, ꝫdit̄, inter cetera contin: t̄, qd si aliqua persona siue aliquæ person̄, de aliquibus terris seu tenementis manufort̄ expuls. seu disseisit̄ sit, vel pacifice expellatur, & postea manufort̄ extr̄ teneat̄, vel aliquod feoffament̄ vel discontinuatio inde post talem ingressū̄ ad ius possessoris defraudand̄ & tollend̄ aliquo modo fiat, habeat in hac parte pars grauat̄, versus talem disseisitor̄ Assisam nouæ disseisin̄, vel breue de transgres. Et si pars grauat̄, per assisam vel p actiō̄ transgres. recuperet & per veredictum vel aliquo alio modo per debit̄ legis form̄ inueniat̄, qd' pars defend̄ in terr̄ & tenem̄ illa vi ingressa fuit, vel ea per vim post ingres. suum tenuit; recuperet quer̄ damna sua ad triplū̄ versus talem defend̄, & vlterius idem defend̄ finem & redemptiō̄ dicto dom̄ reg' faceret, ꝓut in statuto p̄d̄ plenius continetur. Quidam tamen W. W. nuper de W. in p̄d̄ com̄ E. Husbandman, & C. D. de W. p̄d̄, in p̄d̄ com̄ E. Labozer, statut̄ p̄d̄ minimè ponderant̄, nec pœnam in eod̄ē statuto content̄ aliqualiter verentes, 19. die Febr̄ an̄, &c. in vnum hor̄ apud W. p̄d̄ adtunc existen̄ libe tenem̄ R. W. gener̄, vi & armis, viz. gladijs, &c. manufort̄ et illicit̄ su p possessiō̄ cuiusd̄ A. M. tunc firmarij p̄d̄ W. hor̄ p̄d̄ intrauerunt et ingressum fecerunt, et ipsum A. vi & arm̄ pred' ac manufort̄ et illicitè tunc inde expuler̄ et eiecerunt, & p̄f. R. W. inde iniuste disseisiuerunt, et p̄f. R. W. sic inde disseisitum à p̄d̄ 19. die Febr̄, anno 15. suprad̄, vsq; diem captionis huius Inquisitiō̄, de pred' horreo vi et armis p̄d̄, & manuforti extratenuer̄, et adhuc extratenent, in contempt̄ dict̄ dn̄ę reg' nunc, et ad graue damn̄ ipsius R. et cont̄ pac' dict̄ dn̄æ reg', ac cont̄ form̄ statut̄ p̄d̄, vbi null' eor̄, nec ipsi, nec aliquis ali' cui' statū ipsi, aut aliquis eor̄ habuit aut habuer̄, inf. tres an̄ ꝓx' ant̄ ingr̄ suū p̄d̄, aliquid in dict̄ hor̄, &c. aut in aliqua inde pcel̄ habuit &c.

An Inquisition vpon the Statute of Anno 8. H. 6. wherein is found that one was with force and armes expulsed out of the possession of a manner and lands.

Sect. 117. INquisitio capt̄ apud W. in com̄ S. primo die I. an̄ regni dominę Elizab. Dei gratia &c. 35. cor̄ R. W. milit̄ F. G. arm̄ R. F. Iustic' dictæ dn̄æ reginæ ad pacem in com̄ præd' conseruand', necnon ad diuersa felon̄, transgress. et alia malefacta in eodem comitatu perpetrat̄ audiend̄ et terminand̄ assign̄ per sacramentum 12. Iur̄ exist' præsent̄, qui dicunt

super

ſuper eorum ſacramen̄t qd cum in ſtatuto in Parliamento domini H.6. nuper Regis Angl̄ apud W. Ann̄ reg.ſui octauo ten̄t,edit̄,inter cætera contineatur qd ſi aliqua perſona de aliquibus terris vel tenementis manuforti expulſa ſit vel diſſeiſita,vel pacifice expellatur,et poſtea manuforti extrateneatur,vel aliquid feoffamentum vel diſcon̄t inde,poſt talem ingreſſ.ad ius poſſeſſoris defraudend̄ ſeu tollend' aliquo modo fiat, habeat pars in hac parte grauata,verſus talem diſſeiſitorem, Aſſ. nouæ diſſeiſin', vel breue de tranſgr. Et ſi pars grauata per Aſſ.vel p̄actionem tranſgr̄ recuperet, & per veredictum, vel alio modo, per debitam legis formam inueniatur,quod pars def.in terras & tenement̄ ill̄ vi ingreſſū fec' vel ea poſt ingreſſum ſuum, per vim tenuerit, recuperet querens damna ſua ad triplum verſus defend̄ & vlterius finem & redemptionē domino regi faciat, ꝓut ſtatuto pred' plenius continetur. Quidam tamen I. S. nuper de A.in com̄ S. pred' **yeoman**, et alij ad numerum 6. perſon̄ Iur̄ ignor̄ ſtatutum p̄d̄ minime verent̄ 9. die Aug. ann̄ reg.dom̄ noſtr̄ Elix.nunc Regin̄ Angl̄ 24. R. W. armig' de manerio de G. cum ꝑtin̄ in A.in com̄ pred',& de ducent̄ ac̄r terræ,20. ac̄r prati, & centum ac̄r paſtur̄,cum pertin̄ in A.pred' in com' pred' vi et armis,et manuforti,viz.gladijs,baculis,et cultellis, ꝓpulerunt et diſſeiſiuerunt,& ipſum ſic expulſum,et diſſ. à p̄d̄ nono die A.ann̄ ſuprad̄ vſq; diem captionis huius inquiſitionis, manuforti & vi et armis p̄d̄ R.W.extratenuerunt, contr̄ pac̄ dict̄ dn̄æ Reg.nunc,& contra form̄ ſtatuti pred' in hoc caſu editi & prouiſi.

For counterfeiting of a protection, and putting to it the great ſeale taken from other old letters Patents.

IVrator̄ p̄ſent̄,quod R.D.nup de H. in com' H. **Huſbandman**, et alij machinantes, quomodo populum dom̄ regis nunc ſubtiliſſime poterint decipere vel defraudare & dominū regem, de his que ad ipſum regem pertinent,et regalia ſua,vt de feod' magni ſigilli et huiuſmodi,exhæredare, & veram legem Angl̄ à toto tempore vſitatam & approbatam ſubuertere & annullare,xvj. die Februar̄,&c.apud T. in comitatu M.deceptiuè, falſo & proditorie, quaſdam falſas literas patentes, ad ſimilitudinem ſcript̄ Cancellar̄ domini Regis, contrafec' quaſi eſſent literæ patentes, de protectione ipſius Reg.ſub nomine I.K.clerici hanaperij Domini Regis, ac vnius clericorum Cancellariæ prædictæ ſcript̄ hunc tenorem contineñ,viz.H. Dei gratia,&c. **reciting the letters Patents verbatim**, Ac cum idem R.B.et alij, &c. dictas falſas literas patent̄ ſic vt permittit̄,contra ofeciſſent,non habentes magnū ſigillum dñi regis,deceptorie, falſo, & proditorie, machiñ, qualiter ipſi falſas & fictas literas patentes huiuſdum ſubtili' poterant ſigillare,et Sect. 118.

magnum ſigillum domini Reg. contrafacere, dict 16. die Februar ann ſupradict apud B. in Com̃ pred quoddam magn̄ ſigillum domin̄ reg' ſuper quaſd patent̄ ipſius domini reg' p̃ante pend, et debit impoſitum, acceperunt, aſſumentes ſibi regiam poteſtatem et ipſum regē regali ſua auctoritat̄ (quantū in eis fuit) priuant̄, adtunc et ibid' cum quodā cultello arripuerunt, et illis dictis falſis, fict et contrafact̄ literis patent̄ decept̄ & ꝓditor̄ apposuerunt, et annexerunt, et eaſd literas ſigil̄, ſigil̄ il̄ ſubtilit̄ recludendo, quaſi ſic non feciſſent, et ſic magn̄ ſigil̄ dn̄i reg' adtunc et ibid ꝓdit̄ contrafeceṙ, et cum permiſſa ſic feciſſent, dict falſas et contrafact̄ litr̄ patentes, ac vt pd̄ ſigil̄, 8. die Mart, &c. apud villā de S. in Com̃, M. ac in diuerſis locis eiuſd Com̃, tanquam literas patent̄ ipſius dn̄i reg. de ꝓtect, deceptor̄, falſo, et ꝓditor̄, public', et diuerſas pecuniarū ſummas, de diuerſis ligeis dn̄i reg. recepeṙ, virtut dictar falſar̄, fictar et contrafact literarum patent̄, in deceptiō, dn̄i reg. ac populi ſui preiudic', et exhereditation' manifeſtam, &c.

An Indictment againſt a Miniſter vpon the Statute of Anno 5. Hen. 8, for forging of an Indenture of bargaine and ſale of Lands.

Sect. 119. INquiratur ꝓ domina reg. q̄ cum in ſtatuto Parliam̃to domini H. 8. nuper regis Angl̄ apud Weſtm̃ Anno regni ſui quint̄, tent̄, ædit̄, &c. quod ſi aliqua perſona ſiue perſon̄ quecunque poſt primum diem Iunij tunc ꝓxim̃ ſequent̄, ex ſua propria mente et imaginatione, ſeu per falſā conſpiration̄ et fraudem, cum alijs, ſcienter, ſubtiliter, & falſo fabricar̄ fine faceret, ſiue ſubtiliter cauſaret, ſeu ſcienter conſentiret fabric', ſiue fieri, aliquod falſum factum, chartam, ſeu ſcriptum ſigillat̄, Rotul̄ Curiæ aut teſtamentum alicuius perſone ſiue perſonarum in ſcript̄, ea intentione, q̄ ſtatus liberi ten̄ti, ſeu hereditatis alicuius perſon̄, ſiue ꝑſonar̄, de, in, aut ad aliqua terras, tenementa ſeu hereditamenta libere tenuræ, aut cuſto r.ar̄, vel rectum, titulus, ſiue intereſſe, alicui° perſon̄, ſiue perſonarum, de, in vel ad eadem, ſiue aliquod eorum, moleſtari, perturbari, deſtrui, recuperari, vel onerari, poterit, aut cōtingeret, aut poſt pd̄ primū diem Iunij, ꝓnunciaret, publicaret, ſeu oſtenderet in euidētiā, aliquod tale falſū et affictum factum, cartam, ſcriptum, Rotul̄ Curiæ, aut teſtamentū, tanquam vera, ſciens eadem facta, falſa ac ficta (vt prefertur) ad intentiō̄ ſupramen̄t, et inde foret conuictus, aut ſuper aliquam actionem ſiue actiones fabricandi falſa facta, ſuper hoc ſtatut̄ fundand ad ſectam partis grauatæ, vel aliter, ſecundum ordinē & debit curſum legum huius Reg. Angl̄, aut ſuper billam vel informationē in Cur̄ Cameræ Stell̄ exibend, iuxta ordinem & vſum Curię il̄, ſolueret parti grauatæ, cuſtagia & damna ſua ad duplum, inueniend ſeu aſſidend

assidend in curia vbi huiusmodi conuictio foret, ac etiam statueretur super collistrigium in aliqua aperta villa mercatoria aut alio loco aper & ibid' haberet ambas aures suas absciscas, ac nares suas interscisc' & in partes diuisas, & ferro igneo cauterisatas, sic qd remanere possent p perpetua nota & signo falsitatis sue, et forisfaceret domin' Reg' her & successor suis integr exitus & pficua terrarū & tenementorum suorum durante vita sua, ac etiam sufferet & haberet perpetuum imprisonmētū durante vita ipsius, pd damnis et custagijs recuperand ad sectā partis grauate (vt prefertur) primo soluendis et leuandis de bonis & catall offendentis, & de exitibus & pficuis dictarum terrarum, tentorum, & hereditament huiusmodi partis conuict, aut vni' seu vtriusq; eorū pred titulo dict domin Reg. hered vel successorum suorum ad eandem non obstant, put in eod statuto inter alia plenius liquet. Quidā tamē T.M. de C. in pd Com E. Clericus, statutum pred' non ponderans, nec pœnā in eod contentam verens, post pd primum diem Iunij, scil. &c. apud T. in pred' Com E. ex sua propria mente & falsa imaginatione, conspirat & coniua, quoddam falsum factū, viz. quand Indentur, p quam quidam T.A. barganizaret & venderet omnes illas terr & tenta vocat, &c. cum pertin in T. in pred' Com E. cuidam I.S. scient, subtilit, & falso fabricat et fecit, & eand Indentur tunc & ibid pnunciauit, publicauit, & legi fecit & in euiden ostendit, ad molestand, destruend, & perturband statū, possessionem, titulum, & interesse pred' T.B. in terr & tentis pd, p q idē T.B. de possess. titulo, & interesse suis, ad tenement pred cum pertin multipliciter pregrauat & vexat existit, in dict dom Reg. legisq; sue contempt manifest', et ipsius T. damnum non modicum & grauamen, ac contra formam statuti pred, &c.

For forestalling the Market, and buying Saltfish by the way in comming to the Market.

INquiratur p domina Regina quod cum R.N. de ciuitate N. in Com ciuit N. mercator possessionatus fuit de mille salsament & de suis bonis, p̄rijs, si I.T. de ciuit N. pd Fishmonger, tertio die, &c. apud N. pred' in Com pd ciuit N. & diuers. alijs dieb' tam antea quam post, pd. R.N. tunc & ibid obuiand cum dict mille salsament in mercat ciuit pd in Com pred' venditur pred' mille salsam de pref. R.N. adtunc & ibid extra mercatum ill emit & forstallauit, per q pred' R.N. pred' mille salsam ad mercat pred' non adduxit in contempt domin Reg. ac contr formam diuersorum statut in hmdi casu æditor & prouis. ac contr pacē dict domine Regin. Sect. 120.

An Indictment vpon the ſtatute of Anno 33. H. 8. againſt a Tipler for keeping of a common bouling alley, and againſt diuers others for vſing to bowle in the ſame alley.

Sect. 121. IVratorꝛ ꝓ domina Reg. preſentant, ꝙ A.B. de C. in Comꝫ E. **Tipler**, ſecundo die Septembris Añ &c. et continue poſt dictꝫ diem Ann. ſupradicto vſq; primum diem menſis Octob. Añ ſupradicto apud C. predꝫ in comꝫ E. predꝫ quendam cómunem locum iaciendi globos (vocꝫ Angl', **a common bowling alley**) ꝓ lucro ipſius A.B. ꝓprio, & ad ludẽdꝫ tunc ibidꝫ cum globis (Anglice vocatꝫ **bowles**) illicite tenuit, cuſtodiuit, ac manutenuit, contra formam cuiuſdꝫ ſtatuti in Parliamento dñi Henrici nuper reg. Angl' 8. tento anno regni ſui 33. in hmõdi caſu ꝓuiſi et editi. Et ꝙ I.S. de O. predꝫ in dictꝫ Comꝫ E. **Labozer**, et tres alię perſoñ ignoꝛ, dicto 2. die Septembꝛ añ ſupradꝫ, dictum communem locum vſitauerꝛ, ac tunc ibidꝫ cum globis (Anglꝫ vocatꝫ **bowles**) inſimul et illicitꝫ luſerunt, contrꝛ formam ſtatuti predꝫ, &c.

An Indictment vpon the Statute of Anno 8. H. 5. for gilding of the hilt of a dagger with the fineſt gold.

Sect. 122. IVratorꝛ ꝓ dña Reg. preſentꝫ, ꝙ A.B. de S. in dictꝫ Comꝫ E. Aurifaber 2. die Iulij Añ &c. 35. apud S. predꝫ in comꝫ E. predꝫ, quoddam manubrium pugionis ferrei (Anglꝫ dictꝫ **a dagger hilt of yron**) cuiuſdam E.D. de S. predꝫ in dicto Comꝫ E. **yeoman**, valoꝛ duorum ſolidoꝛ, auro puriſſimo ad valentiam quinq; ſolidorum deauranit (Anglice **did gilde with the fineſt gold**) in magnum Reipublice detrimentꝫ, ac contrꝛ formꝫ cuiuſdꝫ ſtatuti in Parliamento dñi H. nuper Reg. Angl' 5. tenꝫ Añ reg. ſui octauo in hmõdi caſu ꝓuiſi & editi.

An Indictment againſt a Blackeſmith, for ſelling of a gelding to a Scot to bee conueyed into Scotland without the Queenes licence.

Sect. 123. IVratores pro domina Regina preſentant, quod quarto die menſis Iulij, Anno regni dictꝫ dominæ noſtræ Elizabeth. Dei gratia Angliæ, Franciæ, & Hybernię Reg. fidei defenſoris, &c. Triceſimo quarto A.B. de C. in Comitatu E. **Blackſmith**, apud quendam locum vocatum **le Ferrie** (in C. predꝫ in Comꝫ E. predꝫ exiſtentẽ) vnum ſpadonẽ (Anglꝫ dictum a **Geloing**) coloris albi, & pretij quatuor librarum legalis monetæ Anglię, cuidam A.D. generoſo (natione homine Scoto) ꝓ ſumma quatuor librarum in pecunijs numeratis predꝫ A.B. per prefatꝫ A.D tunc ibidem ſolutis voluntarie vendidit. Ac tunc & ibidem, eundem equum eidem A. D. intentione ad equum prædictum in Regnum Scotię

Scoti æ abducendum & conueiandum (absq; aliqua speciali licentia dictæ dominę regiñ nostr̃ nunc, p literas suas patentes sub magno Sigill' Angl' ad idem sic faciendum inde prius obtenta) voluntarie & felonice tradidit ac deliberauit, contr̃ pac' dict̨ dn̄æ reg' nostr̃ nunc, ac in eneruationem huius regni sui Angliæ, necnon contra formam diuersor̃ statutor̃ in huiusmodi casu prę antea prouis. & æditorum.

For beating of two horses, of which beating the one of them died presently, and the other was sore hurt.

INquirat̃ &c. si E.H. &c. decimo die &c. vi & arm̃, viz. &c. duos equos coloris albi, precij, &c. de bonis & catallis cuiusdam I.F. apud M. in p̄d Com̃ E. inuent̃ quodam baculo percussit & verberauit, in tantũ qd̄ vnus equus equorum pred̄ ex percussione & verberatione illi' ibid̄ incontinenter interijt, alterque equor̃ p̄d̄ multipliciter fatigat̃, læsus & deterioratˉ existit. Et alia enormia eidem I.F. intulit ad graue damnum ipsius I.F. & contra pacem dictæ dominæ Reginæ, &c. Sect. 124.

An Indictment vpon the Statute of Anno 13. Ed. 3. *against the Inhabitants of a Towne for the not taking of such persons which had robbed one of C. li. the partie robbed making Huy and cry, and giuing notice to the inhabitants of the Towne of the robberie.*

INquiratur p dom̃ Regina, quod cum in statut̃ in Parliam̃to domin' E. nup Regis Angl' primi, p genitoris dominæ reginæ nunc, apud Winton, anno regni sui 13. tent̃, ædit̃, inter cætera ordinat̃ fit, p eo q, de die in diem roberiæ, homicidia, incendia domorum, & latrocinia, plus solit̃ tunc fiebant quam antea solebant, & felones non potuissent esse attinct̃ per sacram̃ Iurat̃, qui magis voluntariè permittebant felonias fieri gentibus extraneis, & felones euadere absq; pœna, quã malefactor̃ Indictari, vbi maior pars fuerunt gentes de eadem patria, vel adminus, si malefactor̃ fuerunt de alia patria, eorum receptores fuerunt de visu vbi hm̃di malefacta fiebant, et hoc faciebant, p eo quod sacramen̄ eisd' Iurator̃ non ministrabantur, nec in patria vbi felon' illæ fiebant, et quoad restitutionem damnorum, pœna ante nunc non fuit prouis. pro concelament̄ et negligentia suis. Idem nup rex p posse huiusmodi felonias debilitand̄ et decrescend̄ stabiliuit pœnam in illo casu, ita quod exinde magis pro timore pœnæ quam pro pauore sacram̃, nullis felonibus extunc parcerent, nec aliquis felonias extunc concelar̃, & q proclam' fierẽt in omnibus Com̃, hundred', mercat̃, ferijs, & omnibus alijs locis vbi multitudo gentiũ foret assemblata, sic q nulli p ignorantiã se possint excusare, & quod quelibet patria extunc sic possit custodiri, qd̄ instanter. Sect. 125.

instanter post roberias & felonias factas, recens insecut fieret de villa in villam, de patria in patriam, et etiam inquisitiones fierent, si necesse foret, in villis per ipsum qui domin vel superior esset in villa, & postea in hundred & francheſia, & in com, & aliquando in duobus tribus, vel quatuor com, in casu quando felonie fact fuer in Marchijs & confinijs com, ita quod malefact potuisset esse attincti. Et si patria de corporib' huiusmodi malefact non responderet, pœna talis esset, q̄ quelibet patria, scz. homines in patria commorantes, responderent de roberijs fact & damnis, sic quod totum hundred, vbi roberia facta fuit, cum franchesijs, quæ essent infra precinct eiusdem hundredi responderet de roberijs factis. Et si roberia foret in diuersis duorum hundredorum, in huiusmodi casu responderent inde ambo hundreda, simul cum franches. quæ forent infra precinct hundred' pred', & longioris temporis spacium non haberet patria post roberiam & felonias factas, quā xl. dier, infra quos faceret emend de roberia vel de malefact, vel responderet de corpor malefact, put in statuto pred pleni' continetur. Accum quidam malefact ignoti tertio die M. anno &c. apud N. in com E. pred quæ quidō villa est infra hundred de H. vi & armis, viz. gladijs, baculis, & cultellis, in quendam O. C insultum fecerunt, & cent libr de denarijs ipsius O. ibid inuent, felonice ab eodem O. spoliauerunt, cepe & asportauerunt cont pac &c. vt alibi. Ac idem O. quā potuit citiss. post feloniam & spoliationem p̄d factas, scz. quarto die M. anno &c. supradict apud N. p̄d, p totam eandem villā, hutesium & clamorem de roberia pred fecit, & notitiā inhabitantib' eiusd villę de roberia illa dedit, & post roberiam xl. dies iam præterierunt. Ijdem tamen inhabitant emend de roberia p̄d fact O. hucusque non fecerunt, nec corpora felonū & malefact prædictorum ceperunt, neque de corporib' eor hucusq; respondерunt, sed malefact & felon illos euadere p̄miserunt, in dict dn̄ę regin nūc contempt, & ipsius O. graue damnū, & cont form statut pred, &c.

An Indictment against diuers persons vpon the Statute of 1. H. 7. *for hunting by night in one of the Queenes parkes, and killing of a brace of Buckes with Crossebowes, and denying of the same vpon their examinations.*

Sect. 126. IVratores p̄ dom̄in Regina p̄sentant, quod secundo die Augusti, Anno regni dominæ nostræ Elizabethæ, Dei gratia Angliæ, Franciæ, & Hybernię Regin, fidei defensoris, &c. Tricesimo quinto, inter horas decimam & vndecimam in nocte eiusdem diei, A.B. de C. in dicto comitatu E. generos. D.E. & G.H. de F. in dicto comitatu E. Husbandmen, aggregatis sibi nonnullis alijs malefactorib' ignotis, ad numerum sex personarum, vi & armis, videlicet, prælongis baculis, arcubalistis,

baliſtis,& ſagittis,clauſum et parcum dict̃ domine Regine noſtre apud O. in dict̃ comitatu F. fregerunt, intrauerunt,& vnum par. damaꝝ dict̃ domine Regine (Anglice vocaꝝ a brace of bucks) in dicto parco adtunc et ibidem depaſcent̃ inuent̃ illegitime venati ſunt, ac cum duobus ſagittis ex dictis arcubaliſtis emiſſis & ſagittatis, adtunc & ibidem occiderunt, & aſportauerunt, contra pacem dicte domin' Regine: Ac quod poſtea, die ſequente, viz. tertio die dicti menſis Auguſti, Anno ſupradicto T.S. tunc parcarius dictæ domine Regine, dicti ſui parci de O. pred' in comitatu E. pred̃ informauit apud C. predictam T. W. vnum Iuſticiariorum pacis dicte domine Regine, in dicto comitatu E. pred̃, de illicita venatione pred', modo & forma pred' facta, qui quidem Iuſticiarius ſuperinde warrantum ſuum in ſcriptis poſtea, viz. dict̃ tertio die Auguſti, Ann̄ ſupradicto direxit cuidam K. M. vni Conſtabulariorum Hundredi de S. in comitatu E. pred' (in quo quidem hundred̃ ſite ſunt pred' villæ de C. & F.) eo tenore, vt idem Conſtabularius arreſtaret prenominatos A. B. D. E. & G. H. ac eoſdem coram eodem Iuſticiar̃ duceret & haberet, ad eos de dicta illicita venatione examinand̃. Et qd dicti A. B. D. E. & G. H. poſtea ſcz. dicto tertio die Aug' Ann̄ ſupradict̃, coram dict̃ Iuſticiario apud C. pred' in Comit̃ E. pred' p̄ Conſtabularium pred' virtute dict̃ warrante adducti, ac p̄ eundem Iuſticiar̃ per ſuam diſcretionem adtunc & ibid̃ de dict̃ illicita venatione, & de factor̃ in ea parte examinati exiſten̄, pred' tamen venation̄ voluntar̃ & felonice concelauerunt & eorū quilibet voluntarie & felonice concelauit: Contra pacem dictæ dominæ Regin̄, Coron̄ & dignitatem ſuas, necnon contra formam cuiuſdam ſtatuti in Parliamento domini H. nuper Regis Angl̄ ſeptimi tento Anno regni ſui primo in huiuſmodi caſu, puiſi ac æditi.

Another Indictment againſt diuers perſons for hunting in a parke in the night time, with three Greyhounds, and for killing a Bucke, and for vſing in the ſame parke a net called Buckeſtall.

INquiratur p̄ domina Regina, Si E. P. de C. in Comit̃ G. gen̄, H. P. de C. in Comit̃ pred' gen̄, & R. B. de C. in Comitatu pred' yeomañ, 30. die Auguſti, Anno, &c. circa horam duodecimam in nocte eiuſdem diei, agregaꝝ ſibi quamplurimis aliis malefactorib⁹, & pacis dictæ domin̄ Reginæ perturbatoribus ignot̃, vi et armis, viz. baculis ferro munit̃, arcubus, ſagittis, pugionibus et cultellis, et aliis armis tam inuaſiuis quam defenſiuis, clauſum et parcum Eliz. P. vidue apud H. Sancti Georgij in Com̄ p̄d̄, iniuſte fregeꝝ et intraueꝝ, & damas ipſius Eliz. adtunc et ibidem in parco pred̃ cubanꝝ et depaſcent̃, cum tribus canibus leporarijs vocatis Greyhounds, & vno rete vocaꝝ a Buckeſtall, quod Sect. 127.

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in parco p̄d tenend', iniuste venat' sunt & chasiuer', & vnam dam̄ vocat' a Bucke, adtunc & ibid' cum canib' pred', riotose cepetunt, occider & asportauer', contr' pacem dict' dom̄ Regin̄, ad graue damn̄ ipsius Eliz. et contra form̄ statut' in hm̄i casu edit' & puis.

An Indictment against diuers for chasing of a Bucke in one of the Queenes Forests with a Greyhound into couerts, where he was hanged and killed.

Sect. 128. INquiratur p̄ domina Regina, si R. M. nup de O. in Com̄ D. yeoman R. P. nup de P. in Com̄ D. pred' yeoman, 30. die Augusti An̄ &c. foorestam dict' domin̄ Reginæ de M. in com̄ D. pred' freger' & intrauer' & vnam damam vocat' a Bucke ad valenc' x. s. adtunc & ibid' inuer', sine licentia & voluntate dict' dom̄ regin̄, cum cane leporario vocat' a Greyhound, fugauer' & chasiauer', & dictam damam apud R. infra precinct' foreste p̄d cum canibus Angl' vocat' haltets, suspend' et occider' et ipsam damam sic suspens. et occisi, iniuste cepe' & asport', contra pacem dict' dom̄ Regin̄, &c. *vt supra.*

An Indictment vgainst a Laborer vpon the statute of An. 13. R. 2. for keeping of a Greyhound to course Hares and Conies, and for killing of a Cony with his Greyhound in a Conie garth, not hauing lands to the value of xl. s. by yeare.

Sect. 129. IVratores p̄ domina Regina presentant, quod A. B. de C. in Com̄ E. Labourer, (homo laicus existens) a Festo S. Barthol' Apostoli, Anno reg' domine nostre Elizab. Dei gratia Angliæ, Franciæ, & Hyberniæ Regine, fidei defensor', &c. Tricesimo quarto, continue vsque in hunc presentem diem, scz. decimū diem Decembr' tunc p̄xim̄ sequen̄ apud C. pred' in Com̄ E. pred' habuit & custodiuit vnum canem (Anglice vocat' a Greyhound, ad venandum & chaceand' lepores & cuniculos: Et quod idem A. B. vicesimo septimo die mensis Augusti, Anno supradicto, vnum caniculum valoris 4. d. in quodam clauso I. S. de C. pred' in dict' Com̄ E. generosi (vocato the Conie garth,) infra parochia de C. predictam in Comit' existent' cum dicto cane venatus est & occidit, vbi idem A. B. nunquam habuit terras aut tenementa ad clarum annum valorem quadraginta solidorum. Et dict' dominę Regin̄ contemptum, ac contra formam cuiusdam statuti in Parliamento dom̄ Richardi, olim Regis Angl' secundi, tento An̄ reg' sui tertio decimo, in hoc casu p̄uisi ac editi.

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An Indictment vpon the ſtatute of Anno 38. Ed. 3. *againſt diuers Iurors in an Aſſiſe for taking of rewards to giue their verdict, and alſo againſt an imbraceour in the ſame Aſſiſe.*

IVratorꝫ p̄ſentꝫ pro dn̄a regina, q̄ A.B.C.D.E.F.G.H. &c. complices I.K. naming all the Iurors, &c. iuratꝫ in quadā aſſiſa nouæ diſſeiſinę quæ nup̄ ſummonita fuit corā dilectis et fidelibꝰ dict' dn̄ę reg' I.B.I.C. & N.C. nup̄ juſticiar̄ dict' dn̄æ regin̄ nunc ad aſſiſam illam capiendam, p̄ breue ipſius domin̄ regin̄ inter W.S. et I.H. de tenīs in N. in pred̄ com' E. et poſtmodum (viz. die Lunæ &c. anñ &c. coram pref. I.B.I.C. &c. apud M. in comitat̄ E. pred̄ p̄ br̄e ipſius dn̄ę reg'. Si non omnes capt̄ poſit̄) p̄ veredicto ſuo in hac parte dicendo, de pref. I.H. diuerſas pecuniar̄ ſummas, viz. A.B. de p̄d̄ I.H. xl. s. et alia dona, ſcz. panē, carnes, ēt vinum ad valentiā xx. ſolid̄ illegitimè ceperūt. Et pred̄ I.K. (Imbraciator eiudem Aſſiſæ ad eandē ducendā et procurandam) de p̄nominato W.S. ſummam x. marcar̄, 20. die Aug', anñ regni dict' dn̄æ n̄r̄æ Eli. Dei gratia Angl', Francię, et Hiber̄, regin̄, fidei defenſoris &c. triceſimo quinto apud M. pred̄, in com̄ E. pred̄, illegitim̄ ceperunt. In dict' dom' regin̄ nunc contempt̄, ac contra formam cuiuſd̄ ſtatuti in parliam̄to dn̄i Edwardi olim regis Angl' tertij anno reg' ſui triceſimo octauo, in hm̄di caſu p̄uiſi ac edit. Sect. 130.

Another Indictment vpon the ſtatute of 38. Ed. 3. *againſt Iurors for taking rewards for to giue their verdict in an Aſſiſe; reciting of the ſayd Statute.*

IVratores dicunt, qd vbi in pliamento domini E. nuper regis Angliæ tertio p̄genitores dom' regin̄ nunc, anno regni ſui 38. tent̄, inter cętera concordat̄ exiſtit, qd ſi aliqui jur̄ in Aſſiſa, jur̄, ſeu aliquibus inquiſitionibus capiend̄, inter dominum regem et partem, vel inter partem et partem, quicquid capiant, per ipſos, vel per alios, de parte conquerent̄, vel defendent̄, pro veredicto ſuo dicendo, & ſuper hoc, per proceſſum in quodam articulo de jur̄, anno regni eiuſdem domini regis 34. factum conuincant̄, ſiue ſit ad ſectam partis, aut alterius cuiuſcunque perſonæ, qui pro domino rege, aut pro ſeipſo proſequi voluerit ſoluat quilibet dictorum jur̄. Decies tantum quantum ipſe recepit, & habeat ille qui ſectam produxit, vnam medietatem, et dominus rex alteram medietat̄, & quod omnes imbraciatores, ducent̄ & procurant tales inquiſitiones in patriā, pro lucro vel profitro, puniant̄ eiſd̄ modo et forma, ſicut jur̄. Si jur̄ vel Imbraciator ita conuictus, non habeat vnde in forma predicta ſatisfacere poſit, habet impriſonament̄ vnius Sect. 131.

vnius anni, put in ordinatione et concordia pred' continetur. Quidã T.H. et I.B. et I.C. iurat' in quadam assisa noue disseisine, q̃ nup̃ sumñ fuit coram dilectis et fidelibus dom̃ reginæ I.A. I.C. et D.E. nup̃ just. domiñ reginę nunc, ad assisam illam capiend' assign', per breue ipsius domiñ reginę nunc, inter W.S. de L. et I.P. de teñ in R. et S. Et postmodum, viz die, anno &c. coram pref. I.A. I.B. et I.C. apud W. p̃ bre dictæ domñ reginã si non omnes capt', posit̃ pro veredicto suo in hac parte dicendo, de prefat̃ I.H. diuersas pecuniarũ summas, viz. predict' T.H. xl.d. pred' I.B. xl.s. et pred' I.C. quinq; marcas xx. die Octobris anno &c. apud, &c. ceperunt, indict' dom̃ reg' nunc contempt̃, ac cont̃ formã ordinationis & concordiæ pred' &c.

For incloſing of an old common lying to a Towne, vpon the which common the inhabitants of the ſayd towne haue vſed to haue common for all manner of beaſts the whole yeare.

Sect. 132. IVratores presentant, qd est, et a tẽpore quo non extat memoria, fuit, & esse consueuit apud villã de A. in com̃ M. quædam antiqua communia vic' M. eidem villæ adiacens, ac per spacium vnius milliarij ab eadẽ villa extendens, p̃ omnibus hominibus & tenent̃ infra villã pred' morã trahentibus, cum bobus, afris, porcis, bidentibus, & alijs auerijs suis, p̃ totũ annum infra communiam pred' depascend', quodq; omnes illi infra villã pred' moram trahentes, a tempore quo memoria homiñ non exiſtit, infra villã predict' communiam pro auerijs suis pred' ibidẽ habere debuerunt & consueuerunt, quousque R.C. cũ alijs ignotis de couina sui ei associatis vi et armis, scz. gladijs, baculis, falcastris, arcubus, et sagittis, die &c. anno &c. apud E. in parocia de A. pred', de cõmuñ pred', iniuria sua p̃pria, et absq; titulo, clameo, seu possessioñ p̃ ipsos habit̃, 1000. acr̃ ibid', cũ sepib⁹ et fossatis sibi inclusit et obstipauit, & illas sic inclusas et obstipat̃, vt seperale solũ suũ a pred' die &c. vsque &c. tenuit et occupauit, in preiudicium et damnum, nocumentũ et impedimentũ omnium hominũ et tenentium predictor̃, infra communia pred' communiam habentium, necnon contra consuetudinem pred', & contra pacem dictæ dominæ reginæ &c.

For ingroſsing of Barley growing vpon the ground, to the intent to ſell it againe.

Sect. 133. INquiratur pro dom̃ reg' si A.B. de M. in com̃ N. die et anñ &c. apud M. in parochia sancti johañ infra Ward' Bersttet, in com̃ ciuitat̃ N. emisset totũ hordeũ crescen̄ super viginti acr̃ terr̃ apud M. in pred' com̃ N. ad intentionem dictum hordeum tenend' contra formam

statuti

ſtat̃ in hm̃di caſu æditi et ꝓuiſi, ac cont̃ pacẽ dict̃ dom̃ reg', &c.

For buying and ingroſſing of fortie quarters of wheat, to the intent to ſell it againe.

INquiratur, &c. ſi I. C. de N. Dyer, tertio die I. anno, &c. apud N. in Com̃ N. ac diuerſis aliis diebus, tam ante, q̃ poſt, diuſa grana, viz. 40. quarterij tritici, &c. ad valenc' &c. emit et ingroſ. et in manibus ſuis tenuit, ea intentione ad reuend' graũ p̃d', contra formã ſtatut̃ in hm̃di caſu æditi ꝓuiſ. in contẽpt̃ &c. ac cont̃ pacẽ dict' dñæ reg', &c. Sect. 334.

For not keeping a light horſe.

IVratores pro domina regina preſent̃, qd vbi A. B. de C. in comit̃ E. gener̃, a primo die Iunij, anno regni dictæ Dom' nr̃æ Eli. Dei gratia, Angl', Franc', & Hiber̃ Reg', fidei defenſoris, &c. triceſim̃ quarto, vſque in hunc præſentem diem, ſc. primum diem Maij, anno 34 ſuprad. terras et tenementa in C. præd. in dicto com̃ E. ejdẽ A. B. & hæredib. ſuis in feodo ſimplici, ad clarum annuũ valorem centum marcarum & amplius vltra omnes repriſas habuerit ac tenuerit: Idem tamen A. B. per totum tempus præd. viz. a dicto primo die Iunij, anno ſuprad. vſq; nunc, nullum habuit, cuſtodiuit, manutenuit, aut ſuſtinuit equum caſtr̃ (Anglice dictum a Gelding) habilem & idoneum ꝓ leuis armat̃ equite (Anglice, able and meet for a light Horſeman) in dictæ dominæ reg' contemptum, ac in magnum hui' regni ſui Angl' eneruationem, necnon contra formã cuiuſdam Statuti, in Parl' Ph. & M. nuper reg' & Regin' Angl', tento apud Weſt. annis regnor̃ ſuor̃ quarto & quinto, in hm̃di caſu ꝓuiſi ac æditi. Sect. 335.

For Butterie and Maime by cutting off the right thumbe.

IVratores præſentant pro domina regina, qd 3 die Sept̃ anno Regni dñæ noſtr̃ El. Dei gratia Angl', Franc', & Hiber̃ regin' fidei defenſor̃ &c. Triceſimo quinto, A. B. de C. in comitatu Staff. Taylor, vi & armis quoddam clauſum cuiuſdam I. S. apud C. p̃d, in comit̃ præd' fregit & intrauit, & in dict' I. S. tunc ibid' in pace Dei et dict' dominæ regin' exiſtentem, inſultũ & affraiam fecit, ac cum gladio diſtricto, ad valentiam decem ſolid', quem dictus A. B. tunc ibidem in leua manu ſua tenuit, eundem I. S. crudeliter verberauit, ac dextrum pollicem dicti I. S. tunc ibidem vno ictu amputauit, ac ſic eundem I. S. nequiter et felonic' tunc ibidem maihemauit, ad graue incommodum ipſius I. S. accõt̃ pacem dict' dom̃ regin̄ nr̃, coronam, & dignit̃ ſuã. Sect. 336.

For maintenance vpon the Statute of Anno 31. H. 8. *against one maintaining in an action of debt.*

Sect. 137. IVrat̃ præſent, qd cum in ſtatuto in Parliamento domini H. nup̃ Regis Angl̃ 8. apud Weſt. 28. die Aprił, anno regni ſui 31. inchoat̃, tent̃, & ibid̃ per diuerſas prorogationes vſq; 21. diem Maij, anno regni ſui 32. prorogat̃ & continuat̃, & tunc ibid̃ tent̃ per dictum dominum Regem, cum aſſenſu dominor̃ ſpiritualium & temporalium ac communitatis in eodem Parliamẽto congregat̃, necnon authoritate eiuſd̃ Parliamenti, inter alia adtunc & ibidem in actitat̃ exiſtit, Quod nulla perſona ſiue perſonæ cuiuſcunq; ſtatus, gradus, ſiue conditionis, ipſe vel ipſi, fuerit, ſiue fuerint, extunc de cetero illicitè manuteneret ſiue manuteneren̄t, aut cauſaret ſiue cauſarent, p̃curaret ſiue p̃curarent, aliquam illicit manutenent̃, in aliqua actione, demanda, ſecta, ſiue querela in aliqua Curia dom̃ Regis, Cancellariæ, cameræ Stellatæ, albæ Aulæ, aut alibi infra aliqua dom̃nia regni Angliæ vel Walliæ, ſiue in marchijs eãrund̃, vbi aliqua perſona ſiue aliquæ perſonæ habent, ſeu extũc imposterum haberent authorit̃ virtute commiſſionis domini regis ſuarum literarum patent̃, vel breuis ad tenend̃ placita t̃ræ vel ad examinand̃, audiend̃, ſiue determinand̃ aliquẽ titulũ de t̃ra, ſiue aliquã materiã, vel teſtes concernent̃ titulum, ius, vel interreſſe aliquarum terrar̃, tenem̃t, ſiue hereditam̃t: Ac etiam qd nulla perſona ſiue perſonæ cuiuſcunque ſtatus, gradus, vel condition̄, ipſe vel ipſi, fuerit ſiue fuerint, extunc in futuro illicitè retineret ſiue retinerent, p̃ manutentione alicuius ſectæ ſiue placiti aliq̃ p̃ſon̄, aut aliquas p̃ſonas, ſiue imbraſiaret vel imbraſiarent aliquos liberos tenentes vel iuratores, aut ſubordinaret aliquos teſtes p̃ literas, munera, p̃miſſa, ſiue aliquẽ alium miniſtrũ labor̃ vel mediũ, ad manutenend̃ aliquam mater̃ ſiue cauſam, aut ad diſturbation̄ vel impedim̃t Iuſtic', vel ad p̃curation̄ ſiue occaſion̄ alicui⁹ p̃iurij p̃ falſum veredict̃, aut aliter in aliquibus curijs antedictis, ſub pœna foriſfaciendi pro qualibet hm̃di offenſa x.l. quarũ vna medietas eſſet dom̃ regi, altera vero illi qui pro ead̃ p̃ſequi voluerit per actionem debiti, billã, querelam, ſiue information̄, in aliqua Curia dicti dñi regis, vbi nullũ eſſon̄, p̃cet', vadiac' legis, ſiue iniunctio, allocabitur, p̃ut in ſtatut̃ p̃d̃ inter alia plenius continetur. Quidã tamen T.L. ſtatut̃ p̃d̃ minime ponderans, quã actionem quæ fuit in curia dñæ reginæ, coram Iuſtic' ſuis de banco, int̃ quend̃ R.B. querent̃, & quend̃ T.D. de placito debiti, p̃ pte dict' R.B, verſus p̃f. T.D. 27. die Iunij, an̄ regni dñæ n̄ræ Eliz. nũc regin̄ Ang' 35. apud S. in p̃d̃ com̃ E. manutenuit & ſuſtẽtauit, in Iuſtic' manifeſtã retardation̄, & diſturbant̃, ac in dictæ dom̃ reg. nunc cõtẽpt & p̃d̃ T.D. graue damn̄, ac cont̃ form̄ ſtatuti pred̃, &c.

For

For Manslaughter by Chance-medley, in thrusting of one into the belly with a long sharpe piked staffe.

IVrat̃ p̃ domina Regina presentant, q̃ A.B. de C. in dicto Comitatu E. Shomaker, decimo sexto die Septembris, Ann̄ regni dict̃æ dn̄æ nostræ Elizabethę, Dei gratia Angliæ, Francię, & Hiber̄ Reginę fidei defensoris &c. Tricesimo, apud C. præd' in com̄ præd' E. quendam E. F. nuper de C. præd', in Com̄ E. præd' Weaver, (cui tunc ibid̃ fortuito & casu obuiam venit) contumelios̄is verbis lacessiuit, ac in eund̃ E. F. tunc & ibid' in pace dei ac dict' dn̄æ Reginæ existen̄, vi & arm̄ insultū fecit, & ventrem dicti E.F. tunc & ibid̃ cum baculo longo, cuspide p̃ acuta capitato (Anglice voc' a long sharpe piked staffe) quem idem A. B. tunc ibid̃ in manibus suis tenuit, felonice pupugit & perfodit, dans eidem E.F. vulnus mortale in dicto ventre suo, latitudinis vnius pollicis, & p̃funditatis septem polliciū, de quo quidem mortali vulnere idē E.F. tunc ibid̃ instanter obijt ac interijt, contra pac' dict' dn̄æ Regin̄ nunc, & contra coron̄ & dignitat̃ suas. Sect. 338.

For Manslaughter.

INquirat̃ p̃ dn̄a Regina, si R.S. nuper de D. in com̄ p̃d' E. yeoman, 19. die Decemb. Anno &c. vi & armis, viz. &c. in quend' T. C. cum quodam candelabro ad valenc' 12. d. q̃ idem Rich. in manu sua dextra adtunc & ibid' tenuit, eundem T. super caput suum felonice p̃cussit dans eidem T. adtunc & ibid̃ vn̄ plag̃ mortal̃, posteaq; idem Rich. corpus eiusd̃ T. adtunc & ibid̃ ad terr̃ p̃strat̃ manibus genibusq; suis t̃ dire & violent̃ quassauit, ita q̃ p̃d̃ T. de plaga & quassation̄ præd̃ instanter interijt, & sic p̃d̃ R. præd̃ T. modo & forma præd̃ adtunc & ibid̃ felon̄ interfecit, contr̃ pac' dict' dn̄æ regin̄, coron̄ &c. vt alibi. Sect. 339.

For saying and hearing of masse, contrary to the Statute of 23. Eliz. ab.

IVratores presentant p̃ dn̄a Reg. qd I.R. nuper de C. in com̄ præd̃icto E. Clericus 8. die Aprilis, Anno regn̄ dicte dn̄e nostre Elizab. Dei gratia Angliæ, Franciæ, & Hiberniæ regin̄ fidei defensoris, &c. Tricesimo quarto, apud C. p̃d̃ in com̄ pred' E. voluntarie dixit, & celebrauit vn̄ Missam contr̃ form̄ cuiusd̃ statuti in Parliam̄to dict' dn̄æ Regin̄ tento apud Westmonasteriū in Com̄ Middlesexiæ, Anno regn̄ sui vicesimo tertio in hoc casu prouisi & editi, & contra pacem dict' domine reg. coronam, & dignitat̃ suam: Et quod Maria B. de C. præd̃ Sect. 140.

in com̃ pred' E. vidua, dicto 8. die Aprilis, Ann̄ supradict̃ apud C. præd' in com̃ præd' E. interfuit presens tempore dict̃ celebration̄ missæ pred̃ ac eandem missam (sic vt prefertur dictam) adtunc & ibid' voluntarie audiuit, contra form̃ statuti præd', ac contra pacem coron̄ & dignitat̃ dict' domine Regine nostre.

An Indictment vpon the Statute of Anno 1. of the Queene, against a Priest for saying of Masse in the Vestry of a Church, and for vsing in the celebration of the Lords supper other rites and ceremonies than is appointed in the booke of Common prayer in An. 5. & 6. E. 6. and against 2. others for hearing of the same Masse.

Sect. 141. INquir̃ p̃ domina Regina, si G. C. nuper de E. in com̃ E. Clericus 26. die Martij, &c. apud E. præd' in Com̃ E. præd' in quodam loco ibid' vocat̃ the vestrie house, iuxta eccles̃ia Parochiale de E. pred' in Com̃ E. præd', voluntar̃ vsus fuit p̃ priuato alio ritu, cerimonia, forma & modo celebrationis Cœne dominice vocat̃ the Lords supper, quam in quodam libro intitulat̃ liber communis precationis & administration̄ Sacrament̃ & alior̃ rituum & ceremoniarum Eccles̃iæ Anglicanæ, authorizat̃ p̃ actum Parliamenti tent̃ in annis quinto & sexto Reg. Domini Edwardi nuper Regis Angliæ sexti, declar̃ & mentionat̃ exist̃it, videlicet dicend' & celebrand' vnam priuatam Missam, contra form̃ statuti in parliamento dicte domine Reg. nunc apud Westm̃ anno regni sui primo tent̃ edit & prouis. & contra pac' eius'd' dñe Reg. coronam, &c. vt alibi. Et si T. B. nuper de B. in com̃ præd' yeoman, & I. M. nuper de W. in Comit̃ Labor̃, die & anno supradictis, apud W. prædictam in comitatu predicto, tempore celebrationis præd' Cœne Domin̄ modo & form̃ præd' fuerunt presentes, & voluntarie audientes Missam p̃d' in forma præd' dictam & celebratam contra form̃ statuti præd' ac contra pacem &c.

For counterfeiting and vttering of money, one being accessarie to the same after the offence committed.

Sect. 142. IVratores p̃ domina Regina presentant, quod T. S. de W. in comitatu E. Tailor̃, machinans dictam dominam Reginam, & populum suum callide & proditorie decipere, 20. die mensis Decembris, Anno regni dicte domine nostre Elizabethę Dei gratia, Angliæ, Franc', & Hibernię Reg. fidei defensoris &c. Vicesimo nono, vnam peciam monete apud W. predictam, in comitatu predicto E. de Stanno & alijs mixtis metallis, ad instar & ad similitudinem, bonæ & legalis monete & cunei dicte Domine nostre huius regni sui Angliæ (vo-

(vocat Angl a shilling, vz peece of twelue pence) falso & ꝓditor fabricauit, cudit, & contrafecit: postea q; viz. dicto die 20. anno supradicto, eandem peciam (sic vt præmittitur, falso & proditorie fabricatam & contrafactam) diuersis ligeis dictæ dominæ Reginæ, pro veta & legitima moneta huius regni sui Angliæ apud W. prædictam, in comit E. predicto, falso & proditorie exposuit & vtterauit. In magnam subditor dictæ dnæ nostr deceptionem, ac contra pacem dict dnæ nostr coronã, & dignitatem suam, necnon contra form diuersor statutor in eiusmodi casu prouis. & ædit. Et quod M. (vxor T.A. de W. prædict' in dicto comitatu E. gener) sciens prænominatum T.S. proditiõ præd' modo & forma præd' fecisse, & commisisse, eundem tamen T. S. postea, viz. secundo die Febr, ann supradicto apud W. prædict, in com E. prædict. receptauit, & confortauit, ac proditionem præd' concelauit, cont pac' dict dominæ Reginæ nunc, coronam, & dignitatem suam.

Against counterfeiting and vttering of money and gold.

INquis ꝓ domina Regina, si R.W. nuper de H. in com E. Smith, I.L. nuper de C. in prædict comit E. Glouer, & T.B. nuper de D. in prædict com' E. Yeoman, Deum prę oculis suis non habentes, sed instigac' diabolic' seduct, machinantesq; dict dominam reginam & populum suum callidè, falso, deceptiuè & proditor decipere & fraudar, duodecimo die Martij, anno regni dnæ Eliz. &c. sexto, sex pecias monet apud B. præd' in com' præd' E. de cupro & alijs mixtis metallis, ad instar & similitudinem bonæ legalis & currẽ monetæ & cunei dictæ dominæ reginæ huius regni sui Angliæ, Anglicè voc' shillings, necnon duas peciasè cupro, ære & alijs mixtis metallis, ad instar & similitudiñ bonæ legalis & current monetæ & cunei auri dict dominæ regiñ regni sui Angliæ, Anglicè voc' halfe Soueraignes, falso & proditoriè fabricaueř cudeř & contrafeceř, ad quasd earundẽ peciar sic vt præmittitur, falso & proditor fabricat cusas & contraf. &c. diuersis ligeis dictæ dom reginæ ꝓ vera, legitima & current monet huius regni Angliæ apud B. præd' in dicto com E. & alibi in dict com E, postea deceptiue, falso, & proditoř exposueř, soluer, & vtteraueř in magnũ ꝑiudicium, fraudem, & deceptionem ligeor dict dominæ regiñ, ac contra pac' eiusd' dominæ regiñ coronam & dignitatem suam, necnon contra formam diuersor statutor in hmdi casu æditor & prouis. Sect. 143.

For coyning of money.

INquis pro domina regina, si H.H. nuper de B. in Comitatu F. Taylor, Deum præ oculis suis non habens, sed instigatione diabolica Sect. 144.

ſeduct, vt prodator dicte dom' Regin, quinto die Maij, anno &c. ſex-decim pecias monet voc' shillings, de falſo & mixt metallo ad inſtar cunei huius regni Angl, vulgariter vocat' Quene Elizabeth shillings, apud B. præd, in com E. præd, falſo, felonice, & proditorie contrafecit, fabricauit, & cunauit, contra pacem, ac contra form, &c. vt ſupra.

For coyning and vttering of gold.

Sect. 245. INquiſ pro domina regina, ſi H. A. nuper de B. in com' E Labozer, & T. S. nuper de T. in com prædict' Labozer, die & anno &c. & diuerſis alijs diebus & vicibus tam antea quam poſtea, Deum præ oculis ſuis non habentes, ſed inſtigac' diabolic' ſeduct', machinantes ſeq; dict dominam reginam & populum ſuum callidè, falſo, deceptiue & proditor decipere & defraudare de iniuria ſua propria abſq; authoritat, warr, ſiue conceſſione Regiæ mageſtatis eis aut eorum alteri conceſſ. octo pecias falſæ monetæ, ad imaginem & ſimilitudinem peciarum monet' aur Anglice voc' golden ſouereignes of r. s. a pæce, apud M. in com E. præd, pro iniquo lucro & aduantagio cupro, falſo & proditor deaura-uer, & eaſdem pecias falſo & proditor ſic vt præmittitur, fact, fabricat, controfact, & cunat, diuerſis ligeis dictæ dom reginæ pro vera, legit & current moneta dictæ dom regin regni ſui Angl apud M. præd, in com E. pd xx. die Octob', anno ſupræd, ac diuerſis alijs diebus antea & poſtea, deceptiue, falſo, & proditor expoſuer, & vtterauer in ſolutionem diuerſis ligeis dictæ dominæ regin, necnon contra form diuerſor ſtatutor in hmdi caſu æditorum & prouiſorum, ac contra, &c.

Of murder by two with a weapon, and one acceſſorie before the offence committed.

Sect. 246. INquiſ pro dom regina, ſi H. W. nuper de S. in com E. Tallo, & W. C. de S. in com E. præd' Weauer, primo die Martij, anno regni dom Eliz. Dei gratia Angliæ, Franciæ, & Hiberniæ regin, fidei defenſoris, &c. 4. apud C. in pochia de S. pred' in com E. præd, vi & armis &c. in quendam T. B. in pace Dei & dictæ dnæ reg', adtunc ad ibid exiſt', inſult fecer, & pd H. W. cum quodam falcaſtro Anglice vocat a Wallh booke, valor 12. d. quem idem H. in vtraq; manu ſua adtunc & ibid tenebat, pd T. B. ſup dextrũ brachium ppe manum dextram adtunc & ibid felonice percuſſit, dans eidem T. adtunc & ibid cũ falcaſtro pdict vnam plagã mortal, profunditat dnor pollicium, & longitud quinque pollicium, de qua quidẽ plaga mortali, præd' T. adtunc & ibid inſtanter obiit. Et ſic prædict H. W. & W. C. apud S. predictam, in comitat E. predict, modo & forma prædict, pręfat T. B. felonice, ac ex malitia

ſua

ſua precogitat interfecer, & murdrauer, cont pac' dict dñæ regin nunc, coron & dignitat ſuas. Et ſi I.H. de S. pd in com E. pred' huſbandman, ante felon & murdr pd p pfat H. & W. ſic in forma præd Comiſſ. & perpetrat, viz. præd primo die Martij, anno &c. apud S. præd in com E. præd' prædictos H.W. & W.C. ad felon & murdr præd, ſic in form pred' faciend & perpetrand malitioſe & felon incitauit, abbettauit, & pcur, contra pac' dict &c. vt alibi. Accessarie.

Of Murder by two with weapon.

IVratores pro domina Regina preſentant, qd A.B. nuper de C. in dict com E. Blackſmith, & D.E. de C. præd' in com E. præd Butcher, ſeptimo die Septembris, Anno regni dictæ dominæ noſtræ Elizabethæ Dei gratia Angliæ, Franciæ, & Hiberniæ Reginæ, fidei defenſoris, &c. tricesimo, vi & armis ex malitia ſua premeditata, in quendam F.G. nuper de B. in dicto comit E. yeoman, apud B. præd in com E. præd in quodam loco ibidem (vulgariter nuncupato the bowling place) adtunc & ibidem in pace Dei, & dictæ Dominæ Regin exiſten, inſultum fecerunt, & præfatus A. B. cum quodam gladio diſtricto, ad valentiam quinq; ſolidor, quem ipſe in manu ſua dextra adtunc & abid' tenuit, ipſum F.G. ſuper ſynciput ſuum voluntarie & felonice tunc ibid percuſſit, & eo ipſo ictu dedit eidem F.G. quandam plagam mortalem, in longitudine trium pollicium, & in profunditate quinque pollicium & dimid', de qua quidem mortali plaga præd F.G. tunc & ibid inſtanter & immediate obijt. Et vlterius q pd D.E. cum quodā baculo ad valētiam vnius obuli (quē ipſe in manibus ſuis adtunc & ibid tenuit) ipſum F.G. adtunc & ibid voluntarie & felon pcuſſit ſup caput ſuum, dans eidem F.G. vnam aliam plagā mortal in dicto ſuo capite, in longitud trium polliciū, & in profunditat duorū polliciū, vnde idē F.G. de plaga vltimo præd obijſſet, ſi non obijſſet de ictu illo priore præd', q pd A.B. ei primo dederat. Et ſic Iurat præd' dicunt, q pnominati A.B. & D.E. dict 7. die Septemb. anno ſuprad', apud B. præd' in præd' loco (voc' the bowling place) præd F.G. modo & forma pd, ex malitia ſua precogitat, volunt, & felon interfecer & murdrauer, contra pac' dict dñæ Regin, ac contra coron & dignitat ſuam. Sect. 147.

For a murder with a cudgell, and flying afterward.

INquiratur p domina Regina, ſi I.S. nuper de T. infra Parochiam de C. in Comitatu E. prædict' Labourer, 13. die Iulij, &c. non habens Deum præ oculis, ſed inſtigatione diabolic' mot & ſeductus, Sect. 148.

ex malitia ſua p̄cogitat̄, vi & armis &c. in quendam Ric' N. apud C. in Comit̄ E. præd̄, adtunc & ibidē exiſten̄ in pace dei & dict' dominæ Reginæ inſult̄ & affraiam fecit, ac vno bacillo vocato a Cudgell nulli' valoris, quem idem I. S. adtunc & ibid̄ in manu ſua dextra tenuit, eundem R. N. in dextram partem capitis Rich. adtunc & ibid̄ felonice p̄cuſſit, dans eidem R. adtunc et ibid̄ cum bacillo pręd̄, plagam mortal̄ longitudinis trium pollicium, & ꝓfunditatis vnius pollicis, contundendo caput dict' Rich', de qua quidem plaga mortali, præd̄ R. apud K. in p̄d̄ com̄ E. p̄d̄ languebat à p̄d̄ 14. Iunij, Ann̄ ſupradict', vſq; 27. diem eiuſd̄ menſis Iunij, tunc ꝓxim̄ ſequen̄. Quo quidem 27. die Iunij anno ſupradict', p̄d̄ Rich' N. apud K. præd̄, in p̄d̄ Com̄ E. ex plaga p̄d̄ mortali obiit. Et ſic p̄d̄ Iohan̄ S. eundem R. N. apud C. præd̄ in Com' E. præd̄, ex malitia ſua p̄cogitata modo & forma præd̄, felonice interfecit & murdrauit, contr̄ pac' dict' Dn̄æ Reginæ Coronam & dignit̄ ſuas. Et ſic p̄d̄ Iohan. S. poſtquam ipſe feloniam & murdr̄ū præd̄ ſic in forma p̄d̄ feciſſet & perpetraſſet, fugam fecit, contra pacem dict' dom̄ reginæ, &c. vt alibi.

Flying.

Of Murder and procurement in the high way.

Sect. 149.

INquir̄ ꝓ domina Regina, Si P. P. nuper de L. in prædict̄ Com̄ E. Labourer, 12. die Octobr̄ anno &c. inter horas ſextam & ſeptimam poſt meridiem eiuſd̄ diei, Deum præ oculis ſuis non habēs, ſed inſtigatione diabolica motus & ſeductus, ex malitia ſua pręcogitata, vi & arm' &c. in quen̄ R. P. in via Regia apud P. infra parochiam de S. in Comit̄ E. præd̄ adtunc & ibidem in pace Dei, & dict̄æ dom̄ Reginæ exiſten̄ inſultum fecit, & cum vno baculo valoris 2. d. quem idem P. P. adtunc & ibid̄ in manibus ſuis tenuit, eundē Rich' ſuper dextram part̄ capitis ſui, adtunc & ibid̄ felonice ꝓcuſſit, dans eid̄ Rich' adtunc & ibid̄ cum baculo p̄d̄ vn̄ plagā mortal̄ in longitudine duorum pollicium, & in ꝓfundit̄ dimid̄ pollicis, de qua quidē plaga mortali, p̄d̄ R. P. apud E. infra Paroch' de S. præd̄ in Com̄ præd̄ E. à præd̄ 12. die Octob. An̄ 15 ſupradict', vſq; ſeptimum diem Febr̄. tunc ꝓxim̄ ſequen̄ languebat quo quidem 7. die Febr̄ anno 15. ſupradicto, idem R. P. apud E. præd̄ in com̄ E præd̄, de p̄d̄ plaga mortali obiit. Et ſic Iuratores præd̄ dicunt ſuper Sacrament̄ ſuum pręd̄, qd præd̄ P. P. ipſum R. P. infra parochiā de S. prædicta in Comitatu E. prædicto dicto ſeptimo die Februarij anno ſupradicto, ex malitia ſua p̄cogitat̄, modo et forma præd̄ felonice interfecit & murdrauit, contra pacem dict̄ę &c. vt alibi. Et ſi Katharina P. vxor præd̄ R. nuper de L. pręd̄, in comit̄ E. præd̄, ſo inſtiter, ante feloniam & murdr̄ū præd̄ p ipſum P. P. ſic in forma præd̄ factum &

Accessary by procurement.

perpe-

perpetratū, viz. 21. die Octobr, anno 15. supradē eundem P.P. apud L. prædē in comē E. prædē ad feloniam & murdrū prædē, in forma prædē sic faciendē & ppetrandē felon excitauit, abbettauit, & procurauit, contr pac' dict' dñi regin &c. vt alibi.

Of Murder and diuers woundi, and accessarie by procurement.

INquir p domina Regina, Si T.B. nup de S. in Com E. prædict' yeo- Sect. 150.
man, & H.O. nuper de S. in com prædē yeoman, 3. die Iunij, &c. vi & armis ex malitia sua precogitata, in quendam W.B. apud T. in comitatu E. prædicto, in quodam loco ibidem voc' H. adtunc et ibidem in pace dei & dict' domin Reginæ existentem, insultum fecer, & prædē T.B. cum quodam baculo ad valenc' duorum denariorum quem ipse in ambabus manibus suis adtunc & ibidem tenuit, ipsum W.B. super posteriorem partem capitis sui felonice percussit, & dedit ei vnam plag' mortalem latitudine quatuor pollicium, de qua quidem plaga mortali prædē W.B. immediate obijt. Et quod prædictus H.O. cum quodā pugione ad valenc' sex denariorum, quem ipse in manibus suis adtunc & ibidem tenuit, ipsum W.B. adtunc & ibidem felonice percussit, dans eidem W. in gutture suo vnam aliam plagam mortal latitudine vnius pollicis, & profunditate quinque pollicium, vnde idem W.B. de plaga prædē immediate obijsset, si non obijsset de icturprædē quem prædē T. ei dedisset prius. Et prædictus T.B. die & anno supradictis adtunc & ibidem cum quodam baculo ad valenc' duorum denariorum quem ipse in manibus suis adtunc & ibidem tenuit, ipsum W.B. super posteriorem partem capitis sui felonice percussit, & dedit ei vnam aliam plagam mortalem latitud quatuor pollicium, de qua quidem plaga mortali prædē W.B. adtunc & ibidem immediatè obijsset, si non obijsset de icto prædicto, quem prædict' T.B. ei prius dedisset. Et qd prædē H.O. die & anno supradictis, cum quodam pugione ad valenc' sex denariorum, quem ipse in manibus suis adtunc & ibidem tenuit ipsum W.B. adtunc & ibidem felonice percussit, dans ei in gutture suo vnam aliam plagam mortalem latitudin vnius pollicis, & profundit trium pollicium, vnde idem W. de plaga prædicta immediatè obijsset, si non obijsset de ictu predicto, quem prædict' T.B. ei prius dedisset. Et si prædict' T.B. & H.O. dicto tertio die Iunij, anno supradicto, apud T. prædict' in com E. prædict' in prædict' loco voc' H. prædē V.V.B. felon interfecer & murdrauerunt, & si Eliz. B. nuper de S. prædē, in com E. prędictæ spinster, vxor prædict' T.B. & I.O. nuper de S. prædict', in prædē com E. spinster, vxor pdē H.O. prædē tertij die Iunij, anno supradict', in prędict' Comit E. vi & armis &c. in prędict' loco apud T. prædict', vocato H. ex malitia sua præcogitata præsent fuerunt,

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abbettantes, auxiliantes, & confortantes prædᵗ T.B. & H.O. ad vulnerandᵘᵐ pdᵗᵘᵐ W.B. & ad feloniam & murdrum prædᵗ in forma prædᵗ faciendum, felonice excitauerᵗ, & procurauerᵗ, contra pacᵉᵐ dictæ dnæ Reg. coronam & dignitatem suas.

An Inquisition of murder found before a Coroner vpon the view of the body slaine, against one for killing of his Mistris with a hatchet on the head, she being then great with child.

Sect. 151. INquisitio capᵗ apud H. in comᵉ B, &c. coram me Iohan. S. vno coron' dominᵉ Reginæ comitatus prædᵗ, die Martis, &c. Anno &c. super visum corporis C. nuper vxoris P.B. de H. prædᵗ, apud H. prædᵗ felonice interfectᵗ, adtunc & ibidᵐ mortui iacentᵗ, per sacramentum proborum & legalium hominum de villa de H. & trium aliarum villarum propinquarum, viz. S. N. & C. prout moris est, &c. ad inquirendᵘᵐ qualiter & quo modo prædᵗ C. ad mortem suam deuenit, viz. per sacramentᵘᵐ A. B. C. D. &c. qui dicunt super sacramentᵘᵐ suum, &c. qd vbi prædictᵘᵐ C. die, anno, loco, & comitᵗ prædictis, circa horam secundam post meridiem dicti diei Martis fuit in pace Dei, & domini Regis nunc apud H. prædᵗ vbi venit quidam W.B. nuper de C. in comitᵗ Wigorn' gen', felonice vt felo domini regis nunc insidiando & ex insultu premeditato contra pacᵉᵐ eiusdem domini Regis, coronam & dignitatem suas, die, anno, hora, loco, & comitᵗ prædictis, in prædictam C. magistram suam, quæ adtunc granida fuit & vicini partui, insultum fecit, & eandem C. cum quadam securi vocatum, an Hatchet, precij 4.d. quam idem W. tenuit in manibus suis super sinistram partem capitis sui felon' percussit, dans ei plagam mortalem, de qua quidem plaga mortali, eadem C. instanter obijt, & sic prædᵗ W. prædᵗ C. Magistram suam adtunc & ibidᵐ felonice interfecit, & murdrauit contra pacᵉᵐ &c.

An Indictment against a widow for procuring one to murder her child in her presence after she was delivered, by cutting the throat, and against the accessaries, before and after the offence committed.

Sect. 152. IVratores pro domina Regina presentant, qd H.M. nuper de K in prædᵗ Comᵉ E. vidua, grauida existens cum quadam infante viua 24. Maij, Anno regni dictæ Dominæ nostræ Elizabethæ, Dei gratia Angl', Frᵃᶜ' & Hibern' reginæ fidei defensoris &c. Secundo apud K. prædᵗ in comᵉ E. prædᵗ, ex Dei prouidentia parturijt, & peperit vnam plem femelā viuam, posteaq; quedā Iana S. nuper de W. in dicto Comᵉ E. vidua, apud K. prædᵗ, in comitᵗ E. prædᵗ vi & armis, ex malitia sua pcogitata (dicto 24 die Maij, Anno supradictᵗ, circa horam vndecimam ante meridiem eiusdᵐ diei) per consilium, mandatum, & procurationem prædictᵘᵐ H.M

ac

ac in præsentia ipsius H. M. in prædict' ꝓlem femellam viuam insultū fecit, & cum quodam cultello (ad valentiam vnius denarij) quē eadē Iana tunc in manu sua dextra tenuit, guttur ipsius ꝓlis femellæ adtunc & ibid' felon' scidit, dans eidem ꝓli femellæ quandam plagam mortalem in gutture suo ꝑd', de qua quidem plaga mortali ꝓles femella ꝑd', apud K. præd' in com' E. præd', adtunc & ibid' instanter obijt, Et quod præd' H. M. adtunc & ibidem felonice fuit præsens, to fortans, & auxilians ad prædict' ꝓlem femellam in forma præd' interficiendam. Et sic ꝑd' H. M. & Iana, præd' ꝓlem femellam ex malitia sua præcogitata, felon' & voluntariè, interfecerunt, & murdrauerunt, cont' pac' dom' reg. coronam. & dignitatem suas. Et insuper Iuratores prædicti præsentāt pro dicta domina regina, qd Georgius P. nuper de K. predict' in dicto com' E. Yeoman, 19. die Maij, anno regni dictæ dominæ reginæ secundo, ac diuersis alijs diebus & vicibus, ante feloniam & murdrum prædict' in forma prædicta perpetrat' apud K. prædictam in comit' E. prædicto malitiosè & felonicè consuluit, mandauit, procurauit & abbettauit, præd' H. M. ad prædict' murdrum voluntar' faciendum ac ad interficiendum & murdrandum dictam prolem femellam, contra pac' dictæ dominæ reginæ. Et vlterius, qd O. P. & A. B. de K. præd' in com' E. prædict' Spinsters, post murdrum & feloniam prædict' in forma prædicta facta, scientes præfatos H. M. & I. S. feloniam & murdrum præd' in forma prædicta fecisse & perpetrasse, ipsam tamen H. M. apud K. præd', in comit' E. prædict' (27. die dict' mensis Maij, anno supradict') felonice receptauerunt, & confortauer', contra pac' dict' dominā reginā nunc, coronam, & dignitatem suas.

An Indictment of petie Treason against a late seruant for murdring of his Master, and the accessorie before the offence.

IVratores pro domina Regina præsentant, qd A. B. de C. in comit' E. Sect. 153. Grocer, nuper seruiens B. D. de C. prædicta in dicto com' B. Grocer, decimo die Septembris, anno regni dictæ dominæ nostræ Elizabethæ, Dei gratia Angliæ, Franciæ, & Hyberniæ, Reginæ, fidei defensor' &c. Tricesimo quarto, in domo mansionali prædict' B. D. apud C. præd' in com' E. præd' vi & armis, viz. cum gladio & pugione dictis ad valenc' x. solidor' (quos idem A. B. tunc ibidem, in manibus suis tenuit) in prænominatum B. D. tunc magistr' suum tunc & ibid' in pac' Dei & dict' Dominæ Reginæ existentem, voluntariè & ex malitia sua præcogitata insultum fecit, & eundem B. D. tunc magistrum suum, adtunc & ibid' cum dicto gladio felonicè & proditoriè sup' caput suum fortiter & validè percussit, ita quod dicto ictu, caput ipsius B. D. tunc magistri

sui

ſui tunc & ibid' in duas partes ſcidit, dans ei plagã mortal' : vnde corpus dict' B. D. immediate ibid' ad terram cecidit, & dict' B. D. inſtanter ibid' de plaga pd' mortuus eſt. Et ſic pd' A. B. apud C. pd' ex malit' ſua pcogitata, eund' B. D. magiſtr' ſuum pd' modo & forma præd', volunt', nequit', felon', & ꝓditor' interfecit, contra pac' dict' dom' noſtr' nunc, coronam & dignitat' ſuas. Et q; quidam I. S. de C. præd' in dicto com' E. Grocer, (ante ꝓditionẽ præd' p præf. A. B. ſic vt præfertur voluntarie perpetrat' & commiſſam) viz. ſexto die Sept' anno ſuprad', eund' A. B. apud C. præd' in com' E. præd', ad ꝓditionem præd' in forma præd' perpetranda & committend', felon' conſuluit, excitauit, & ꝓcurauit, contr' pac' dict' dom' nr' Reginæ, ac contra coron', & dignitat' ſuam.

An Indictment of petit treaſon against a ſeruant for breaking of his maſters houſe, and cutting of his throat with a trencher knife.

Sect. 154. INquiſ' &c. ſi I. M. de D. in com' M. yeoman, homo ſeruiens W. R. de S. in com' E. pred', & in ſeruitio ipſius W. ꝓ hoc integro anñ retent' 12. die Maij anñ &c. apud S. in præd' com' E. domũ præd' W. R. ad tunc magiſtr' ſui exiſtẽ vi & armis &c. felon' fregit & intrauit & in ipſum W. adtunc & ibid' in domo ſua ꝓpria in pace Dei & dict' dom' reg. exiſtẽ inſult' fecit. & cum vno cultello voc' a trencher knife, preciſ 2. d. q; idẽ I. adtunc & ibid' in manu ſua dextra tenuit, pred' W. felon' et proditor' peuſſit, & guttur ipſius W. mfi ſui adtunc & ibid' cũ cultello illo totaliter felon' & proditor' ſcidit, dans ei adtunc & ibid' quand' plagã mortal', de qua quid' plag' præd'. W. adtunc & ibid' inſtant', moriebat', & ſic pd' I. M. præd' W. R. Magiſtr' ſuum adtunc & ibid' inſtant', modo & forma ſupradd', felon' & ꝓditor' interfecit & murdr', contra pac' dict' dñæ reg. coron' & dignitat' ſuam.

An Inquiſition of murder taken before a Coroner, upon the view of the body, wherein is found one to be preſent and ayding to the ſame murder.

Sect. 155. INquiſitio capta coram A. B. vno Coronator' domini Regis &c. ſuper viſum corpor' I. S. &c. qui dicunt qd ita accidit apud M. in com' præd' E. die &c. circa horam &c. quod vbi præd' I. S. fuit in pace Dei, & dicti domini regis apud M. eiſdem die, anno, loco, & hora, vbi venit W. L. de M. & S. T. &c. vt felones dicti domini regis, & ex malitia ſua præcogitata, in ipſum I. S. adtunc & ibidem inſultum fecerunt, & præd' W. L. quodam pugione preciſ 4. d. quem ipſe in manu ſua dextra tunc tenebat, dict' I. S. ſuper ſiniſtr' partẽ corporis ſui, viz. ſubter aſſellam percuſſit

cussit vsq; ad cor suum, dando ei plagã mortalẽ, vnde idem I.S. eadem hora tunc & ibid obijt in continent, & sic præd W.L. pfat I.S. apud M pred in præd Com E. felon interfecit & murdrauit cont pac' dict dñi reg. coron & dignitat suas. Et q̃ pd S.T. loco, die, anno, & hora præd, præd' felon fuit pſens, assistens, abbettãs, pcur, consort & manuten pf. W.L. ad felon & murdrum præd' inform præd' &c. In cuius &c.

For a Nusans of a common bridge in the Quenes high way, ouer a riuer, which is decayed, and not known who should repaire it.

IVratores p̃ dña regina presentant, qd pons publicus & cõmunis, situs in alta regia via super flumen de M. infra parochiam de A. in com E. præd (vulgariter dictus A.) est, & per aliquot annos iam p̃x' elapsos fuit valde ruinosus, & in maximo decasu, ob defectũ reparation, adeo vt subditi dict' dom̃ regine, in, super, trans, vel vltra dictum pontẽ, p̃ se, vel cum eor equis, bigis, aut carlagijs, redire, aut transire, sine magno vitæ discrimine non audent aut possunt, ad cõmune nocumẽt omnium vicinorum, & cõpatriotarum in dict' com E. habitantium, quorũ interest ratione negotior suorũ illac transire: Et vlteri' q̃ prorsus nescitur, quæ personæ, quæ terre, tenementa, aut corpora corporata & politica, eund pontẽ aut aliquã inde parcel, ex iure, aut ex antiqua cõsuet, reficere & reparare debent, aut consueuerunt. Sect. 156.

For a nusans of a bridge ouer a riuer in the Quenes high way which is decayed, and ought to be repaired by the Quene, by reason of a Maner.

IVr̃ present &c. q̃ quidam pons situat̃ super aquã de Trent in paroch' de Newarke in com S. voc' p̃. Bridge, existens in reg. via, est ruinos' & in magno decasu, ita qd ligei domin reg. in, p̃, super, vel vltra eundẽ pontem, absq; magno periculo transire seu laborare non valent, ad cõmune nocumentum omnium ligeor dict' dñæ reg. trans & vltra pontem pd̃ transeunt seu transire volentiũ. Et q̃ domin regin nunc, ratione tenure seu manerij de N. super T. cum ptin in Com S. prædict', pontem illum facere, reficere, & emendare debet, & q̃ eadem dña Regina & omnes p̃genitores sui, ac omnes alij quorũ status eadem dña regina modo habet in eod̃ manerio de N. super T. cũ ptin pontem illum facere, reparare, & emendare consuetier, de tempore cuius contrarij memoria hominum non existit, toties quoties necesse fuit. In cuius &c. Sect. 157.

An Indictment against one for pulling downe of a stone bridge in a towne, ouer which the Inhabitants of the same towne haue vsed to trauell time out of mind.

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Sect. 158. IVratoꝛ &c. q cum a tempore quo memoria hominum in contrarium non exiſtit, fuit quidam pons lapideus in W. in com̃ E. p̃d voc' A. per & trans quem quidem pontẽ omnes inhabitanꝫ villæ de W. p̃d in com̃ p̃d per temp' præd' habere conſuerunt ingreſſum & egreſſum ad quẽdam locum vocatũ H. p negotijs eorund̃ faciend̃, tamen I. F. de &c. tali die &c. & anno &c. vi & armis &c. pref. pontẽ effodit, ꝑſtrauit, & ſpoliauit, & omnes lapid' eiuſd̃ portis abinde aſport' & abcariauit, p q inhabitanꝫ ibid' ingreſſũ & egreſſũ ad p̃d locũ ꝑ p̃d negoꝯ ſuis faciend̃ habere non poſſunt, & alia enormia p eum tunc & ibid' facta ſunt ad graue & commune nocumenꝫ p̃d vicinorũ ibid̃ & contr̃ pac', &c.

For nuſance in the Queenes high way, by incloſing of part by the way.

Sect. 159. INquiꝛ ꝑ domina Regina, ſi E. S. nuper de W. in com̃ W. præd' gen̄ ſecundo die Maij &c. partẽ cuiuſd̃ viæ regiæ in W. in Com̃ præd̃ ducent̃ à W. pred̃ vſq; ad s. in eodem com̃ viz. à præd̃ vſq; ad quandã foueam in S. præd̃ in præd̃ Com̃ W. vocat̃ a common pit, in eadem via exiſtentem, cum ſepe & foſſa incluſit & obſtruit in eand' viam Regiã ſic incluſa præd' ſecundo die Maij, vſq; diem captionis huius inquiſitionis, in paſturam conuertebat, & adhuc cuſtodit, in malum & pernitioſum exemplum aliorum, & ad graue damnum & commune nocũmentum omnium ligeorum ſubditorum dicte domine Regine ibidem ꝑpe inhabitantium, quorum intereſt illac tranſire, ac contra form̃ diuerſorum ſtatutorum in huiuſmodi caſu edit̃ ꝑ prouiſ. ac contra pacem dictæ domine Regine, &c.

For Periury in a depoſition before Commiſſioners by Commiſſion out of the Court of Wards.

Sect. 160. IVr̃ preſentant ꝑ domina Regina, Quod F. E. de G. in Comit̃ præd' Taller, 24. die Iulij, Anno &c. apud M. in comitatu E. prædict', coram A. B. C. D. & E. F. Armigeris, Commiſſionarijs virtutẽ breuis dicte domine Reginæ de Commiſſione prædictis A. B. C. D. & E. F. directi, & extra Curiam Wardorũ & liberationum dictæ Domine Reginę apud Weſt monaſterium in Comitatu Middl', preantea emanantis pro eximinatione quorumcunque teſtium, tam ex parte cuiuſdam I. L. de M. prædicta, in Comitatu E. predict' Meaner, querentis, quam ex parte H. M. de N. in dicto Comitatu E. yeoman, defendentis, in quadam cauſa (ſiue materea) inter ipſos I. L. & H. M. tunc in dicta curia Wardorum & liberationem controuerſa, & ibid̃ dependente in variantia pro titulo vnius meſſuagij cum pertinentijs in M. predict̃ in

dicto

dicto comitatu E. pſonaliť conſtitutus, Ac tunc & ibid exiſtens teſtis productus p. p̄dictum I.L. ad teſtificandum & deponend' in cauſa p̄d, ex parte ipſius I.L. & iuratus Commiſſionarios prædictos, ad veritat̄ dicendam ſup articulis interrogatorijs ei per dictos Commiſſionarios adtunc & ibid miniſtrandis, ſeptim̄ Articulo Interrogatorio ei adtunc & ibid̄ per dictos Commiſſionarios ex parte p̄d I.L. miniſtrato dixit, & ſuper ſacramentum ſuum p̄dict' affirmauit, & depoſuit, prout in hijs Angl' verbis immediatē ſequitur, viz. **To the ſeuenth Interrogatory he ſaith by vertue of the ſaid oath, that the ſaid meſſuage was neuer occupied by the ſaid H.M. the defendant,** prout p dictam depoſitionem p̄d E.F. inter alia p p̄fatos Commiſſionarios in dictam curiam Wardorum & liberationum certificatam & miſſam, ac ibid̄ de recordo adhuc remanentem, plenè apparet: vbi reuera & in facto, dictum meſſuagium diu occupatum fuit p prænominat̄ H.M. defendentem. Et ſic, idē E.F. dicto viceſimo quarto die Iunij, anno ſuprad̄ apud M. præd̄ in dicto com̄ E. coram prænominatis A.B.C.D. & E.F. (Commiſſionarijs dict̄ dom' reg. ſic vt præfertur exiſtentibus) voluntariē, & corruptē, periurium commiſit voluntarium & cortupt', contra form' diuerſ. ſtatut̄ in hm̄di caſu prouiſorum & æditorum.

For Periurie in a depoſition, before Commiſſioners by Commiſſion out of the Chancerie, vpon the ſtatute of anno 5. *of Queene Eliz.*

IVR̄ &c. preſent̄, qd W.R. 24. die &c. apud A. in com̄ E. coram I.K. & T.S. armig' & F.T. gener̄ exiſtent̄ Commiſſ. virtute br̄euis dominæ reginæ de Commiſſ. ſibi ac alijs direct', ac extra cur̄ Cancellar̄ dict' domin̄ regin̄ nunc præantea emanantis, ad examinationem diuerſorum teſtium, ex parte cuiuſd' W.C. quer̄, verſus quendam T.N. defendent̄ in quadam materia inter ipſos W. & T. tunc in cur̄ Cancell̄ præd̄ apud Weſtm̄ in comitatu Midd̄ tunc exiſten̄ dependent̄ in varianc' & controuerſ. pro titulo diuerſorum tenement̄ cum pertinent̄ vocat̄ &c. in dicto comitatu Ebor̄ pſonaliter conſtitut̄ ac exiſtens teſtis productus per præfat̄ W. C. ad deponend̄ in cauſa prædict', ex parte ipſius W. oerat̄, & iuratus ad veritatem dicend̄ de Interrogatorijs ſibi per Commiſſ. prædict' adtunc miniſtrand̄ 28. Interrogatorio ſibi per prænominat̄ Commiſſ. adtunc & ibid̄ ex parte prædict' W. C. miniſtrat̄ ſuper ſacrament̄ ſuum dixit & depoſuit modo & forma, prout in Anglic' verbis ſequitur, viz. **to the viij. he ſaith** &c. recitando verbatim depoſitionem illam, prout per depoſic' præd̄ W.R. inter alia per prænominat̄ Commiſſ. in cur̄ Cancellar̄ præd̄ certificat̄, & ibid̄ de recordo remaneū plene liquet, vbi reuera prædict' H.S. non cauſauit, &c. neque &c. negando effectum depoſitionis &c. prout prædict' W.R. falſo Sect. 161.

falso & corrupte deposuit et jurauit. Per quod idem W. R. prædict' 23 die &c. anno 19 supradict' apud A. prædict' in dicto comitatu E. coram prefat' I. K. T. D. & F. T. Commiss. virtute brisdominæ reg' eis directi tunc existentibus, voluntarie & corrupte commisit periurium voluntariũ & corruptum, in contemptum dictæ dominæ reg', & contra formã statuti in Parliamento dictæ dominæ reginæ tento anno regni sui quinto in hmdi casu prouisi & æditi, ac ad graue dãn' prædict' T. N.

For taking of Phesants and Partridges with nets, and other engins in another mans Freehold without licence, contrarie to the Statute of Anno 11. Hen. 7.

Sect. 162. IVratores pdomiñ regina præsentant, q W. G. de S. in dict' comit' E. Labourer, circiter horã decimã ante meridiem vicesimi die Augusti, anno regni dict' dominæ nostr' Eli. Dei gratia Angliæ, Franc', & Hibern regiñ, fidei defensoris &c. Tricesimo quarto, in quodam loco infra paroch' de S. prædict' in com E. prædict' (vocat' vulgariter, The Wheat field) qui quidam locus tunc fuit, & adhuc est liberũ tenement' A. B. de præd' in dicto comitatu E. generũ (nec vnquam fuit in, aut de warrena ipsius W. G. propria) duos phasianos, & decẽ perdices, cũ quibusdam reticulis, & alijs ingenijs (valoris duorum solidorum) tunc ib' cepit, occidit, & asport', sine aliq' assensu, aggreamento aut spec' lic' A. B. in hac parte habitis aut obtentis: In dictæ dom regiñ nunc contẽtum, ac contra formã cuiusd' statuti in Parliamento domini H. nuper regis Angliæ 7. tento anno regni sui vndecimo, in hmdi casu prouisi & æditi.

For murder by wilfull poysoning with hearbes in pottage, vpon the Statute of Anno 1. Edw. 6.

Sect. 163. IVratores pro domina regina præsentant, quod T. H. de C. in Com E. prædict' yeoman, secundo die Dec', anno regni dictæ dom nostr' Eli. Dei gratia Angliæ, Franc', & Hibern reg', fidei defensoris, &c. 26. apud C. præd in Com E. præd, in domo mansionali ibidem cuiusdam W. B. nuper de C. præd in dicto com E. yeoman, ex malitia sua præpensa et præcogit, voluntar & felonice porrexit, ac dedit in catillo quodam eidem W. B. ad edendum, quædam olera (Anglice vocata pottage) ex cicuta venenossima, & alijs herbis virulentis confecta & composita, quæ quidem olera prædictus W. B. tunc ibidem cum cocleari (quod in mana sua dextra tenuit) comedit, vnde prædictus W. B. statim postea ęgrotabat, ac a prædicto secundo die, Anno supradicto in dicta domo sua apud C. præd languebat, vsque sextum die dict' mensis

mensis Decembris, anno supradicto, quo quidem tento die, anno supradicto W. B. ex dicti esu olerum pd, in dicta domo sua apud C. pred' in dicto com E. interijt. Et sic Iuratores pred' present, q pred' T. H. prenomin W. B. apud C. pred' in com E. pred', modo & forma supradicto, et malicia sua precogitata, voluntarie & felonice, veneno pred' interfecit & murdrauit, contra pacem dicte domine regine nunc, ac contra formam statuti in parliamento domini E. nuper regis Angl' sexto tent (apud West. in Com Midd', anno Regni sui primo) in huiusmodi casu prouis ac editi.

For murder by wilfull poysoning of one in potion.

IVratores pro dna Regina presentant, q H. R. nuper de C. in com E. Peoman, x. die Octob. anno &c. deum pre oculis suis non habens, sed instigatione diabolica seduct ex malitia sua pcogitat, quenda R. F. in pace Dei & dicte dne regine existen apud C. pred' in com E. pd ad bibend' pretextu amoris & amicitie inuitauit, & eidem R. F. adtunc & ibidem potionem quendam veneno intermixtam & intoxicat felonice dedit, q quidem potionem pred' R. F. ex instigatione & prouocatione dict H. adtunc et ibidem accepit, et eande potione super illud immediatebibebat & exhausit, ratione cuius dict R. F. immediate post potion pred' sic exhaustum, morbo corrept fuit, ac a pred' 10 die Octob. an supradicto vsque quartu die Feb. &c. apud C. pred. in pred' com E. languebat, que quide quart die Feb. anno 8. supradicto, pred' R. F. ex potione & intoxicatione pred', apud C. pred. in com' E. pred' obijt. Et sic pred' R. H. pf. R. F. apud C. pred' in com pred', modo & forma supra cum potion pred', veneno intermixta & intoxicata felonice interfecit & murdrauit, cont pacem dicte dom regine nunc, et cont formam statuti inde in hm' dicta editi et prouis'.

Sect. 164.

For murder by wilfull poysoning vpon the statute of Ann 1 Ed. 6. *wherein the statute is recited.*

IVrator presentant, quod cum in statuto in Parliamento dni E. nup reg. Anglie sext apud West. in com' Midd, anno regni sui primo, tento edit inter alia inactitat existat authoritate eiusdem, quod omnis voluntar interfectio per venenum, Angl' poysoning, alicuius persone siue personarum, que ad aliquod tempus extunc imposterum facta, perpetrata, siue cõmissa foret, adiudicaretur, haberetur & existimaretur voluntar murdram de malicia ppensa, & que offensores in ea parte, eorum coadiutor abbettator, procuratores, & cociliator sustineret morte & forisfact in quolibet respect, vt in alijs casib' volut murdri de malic' ppensa, put in

Sect. 165.

eodem statuto plene liquet, Quidam tamen A.B. nuper de C. in com' B. labo^r, &c. dñi pred' & potn' in eod' content' parui pendēs, neque timor' dei præ oculis suis habens, vicesimo die Ian'ann', &c. apud R. pred', in pred' com' E. ex malicia sua precogitata, quendā E.L. volunt' et felon' per venenū interfecit et murdrauit, cont' pac' dict' dom' reg', coñ et dignit' suas, ac cont' formā statut' pred', &c.

For Petite treason against the wife for poysoning her husband by putting Arsenicke and Rosegree in his drinke.

Sect. 166. IVratores &c. q. A.B. de &c. vid', nuper vxor I.B. de F. pred', &c. contra debitum matrimonij vinculum ac zelum et amorem quem eadem A.B. erga pred' I.B. nuper virum suum gerere deberet, diabolico instinct' dicta, ex malicia sua precogit', machinans, entendens eund' I.B. nuper virum suum vita sua priuare, ac ipsum felon' & prod' murdrare xj die I. &c. apud &c. felon' et proditorie posuit in potu ipsius I.B. adtunc viri sui quoddam venen' mort' voc' Arsnick et Rosegree, ad potum illum sic venenatum felon' et proditorie adtunc et ibidem pred' I.B. dedit et ministrauit bibend', qui quidē I.B. nihil fraudis aut doli versus pred' A. inde suspiciens, potum illum sic venenatum & intoxicat' adtunc et ibid' per instigac' et prouoc' dict' A. bibit; per q' id' I.B. ad eod' xj die I. &c. vsq; 22 die I. &c. 22 die I. tūc px' seq' lāguēb', Quo quid. 22 die an', &c. idem I.B. de veneno illo apud F. &c. obiit. Et sic dicunt Iur' pred' q' A. pred' die et an' dict' I.B. adtunc venū suum apud, &c. Felonice & proditorie intoxicauit et murdr', cont' pacē dict' dom' reg', &c.

For the breaking of Prison, being imprisoned (vpon suspition of the death of a man) in the queens gaole, vnder the custody of the Constable of a hundred.

Sect. 167. INquiratur pro dom' regina, si W.H. de C. in com' E. Yeoman, vnus Cōstabul' dict' dom' rn'ę hundr' sui de T. in com' E. pred' (in quo quid hundr' sita est vill' de C. pred') quend' R.B. nuper de C. pred' in com' E. pred' Tailor, xx die Sept', an' regni dict' dom' nr̄æ El. dei gratia Angl', Francię, & Hyberń reg. fidei defensor', &c. Tricesim' quinto, apud C. pred' in dict' com' E. p suspic' cuiusd' fel' (viz. p morte cuiusd' M.N. apud H. in com' E. pred' felon' interfecti) cepit et arrestauit; Et ea de causa idem R.B. sub custod' dicti W.H. Constabul', in prison' dict' dñe reg. apud C. pred. in com' E. pred', postea scil' et dicto vicesimo die Sept' anno supradicto fortiter et dur̄ detentus fuerit; Ac idem R.B. tunc ibid' sic detentus, postea (viz. dictis die et anno) apud C. pred' in com' E. pred', vi et armis pred' prison' ibid' felon' fregit, ac ext' custod' dicti Cōstabul' tunc et ibid', cont' ei' volunt' felon' euasit, cont' pac' dict'

dñæ

dominæ Reginæ nostræ nunc, coronam, & dignitatem suas, necnon contra formam statuti in huiusmodi casu prouisi ac edicti.

For pulling of Sheepe.

INquir' p dña Regina, si N.H. nuper de O. in Com' E. Labourer, 13. die Maij anno &c. clausum cuiusdam H.C. apud C. pred' in com' E. pred' fregit et intrauit, ac lanam quatuor ouium valor' 4.s. de bonis & catall' dict' H.C. apud O. pred' in com' E. præd' à corpor' ouium pred' adtunc & ibid' existen' expilabat, & ipsam lanam sic euulsam, felonice cepit & asportauit, contra pacem dictæ dominæ Reginæ, &c. Sect. 168.

For the felonious taking of a purse, and money and gold in it, from the person of a man.

INquir' pro dña Regina, si N.H. nuper de S. in com' M. Miller, 16. die Aprilis, anno &c. vi & armis, viz. &c. in quendam Ed. R. apud C. in com' M. pred' insultum fecit, & vnam bursam valor' 2.d. & 9.s. in pecunijs numeratis, & vnam coron' Gallicam voc' a French crowne, valor' 6.s. in bursa pred', adtunc & ibid' exist', de bonis & pecun' pred' E. à persona ipsius E. clã & sine noticio ipsius E. adtunc & ibid' felon' cepit & asportauit, cont' pac' dict' dñæ reg. &c. ac contra formam statuti, &c. Sect. 169.

For Purse-picking.

IVratores pro dña Regina presentant, quod I.S. nuper de A. in com' E. Taylor, 6. die Iulij, anno reg. dictæ dominæ nostræ Eliz. Dei gratia Angliæ, Franciæ, et Hiberniæ Reginæ, fidei defensor' &c. 34. apud A. pred' in comit' E. pred', in quodam loco ibid' (vocato the Cloyster) vi & armis in quendam R.M. de A. pred' in com' E. pred' Grocer, insultũ fecit, & viginti solidos in pecunijs numeratis in crumena ipsius R.M. tunc ibidem existentes inuentos, de pred' crumena ipsius R.M. tunc et ibid' a person' ipsius R.M. (clam & insciente ipso R.M.) felonice cepit & asportauit, contra pacem dictæ dñæ Reginæ, ac contra coron', & dignitatem suas. Sect. 170.

For vnlawfull Purueyance of three Weathers without authoritie.

IVratores pro domina Regina presentant, quod primo die Iulij, anno regni dominæ nostræ Elizabethæ, Dei gratia Angliæ, Franc', & Hiberniæ Reginæ, fidei defensor' &c. 35. quidam H.W. nuper de G. in Com' C. Tippler, apud C. in comitatu C. pred' præ se ferens, & asse- Sect. 171.

rena se esse vnū ex emptor̄ & emptor̄ hospitij dicti dñe Regine dict̄ 1. die, anno supradicto (quo quidem tempore nullum ostendit, aut secum habuit warrantum sub magno aut paruo Sigillo dict̄ dñe Regine) apud C. pred̄ in Com̄ C. pred̄, tres oues castratos (Angl̄ vocat̄ Weathers) precij viginti solid̄, de bonis & catallis I. S. de C. pred̄ in dicto Com̄ C. Peeman tunc ibidem existen̄ inuentas sub colore purueyancie, p dict̄ hospitio, illegitime ac felonice cepit et abduxit: Contra pac̄ dict̄ dñe Reg. ac cont̄ form̄ diuersor̄ statut̄ in hm̄di casu prouis. & edict̄.

For the Rape of a maide vpon the Statute of Anno 13. E. 1. the which is recited.

Sect. 172. IVratores presentant, quod cum in Statut̄ in Parliamento dñi E. nuper reg. Angl̄ primo, anno regn̄ sui 13. tent̄, edit̄, inter alia prouisum sit, quod si homo rapuerit vxor̄, ancillam, siue aliquam fœmin̄ vbi non consentierit nec antea neque postea, habeat iudicium de vita & membro, vt in eodem statuto plenius continetur. Quidā I. B. nuper de A. &c. Peeman, statutum pred̄ &c. tali die & An. Ioh. O. filiam H. O. an. cillam apud W. in Com̄ E. pred̄, cont̄ voluntatem suam felon̄ rapuit, contra pac̄ dict̄ dñe reg. &c. ac contra formam stat̄ pred̄ &c.

For the Rape of a child vnder the age of tenne yeares, vpon the Statute of Anno 18. of the Queene.

Sect. 173. IVratores p dña Regina presentant, quod G. D. de B. in Com̄ E. Waterman, 3. die Iulij, anno reg. dict̄ dominæ nostr̄ Eliz. Dei gratia Angliæ, Franciæ, & Hiberniæ Reginæ, fidei defensoris, &c. 34. apud B. pred̄ in dicto Comit̄ E. (in domo mansionali ibidem cuiusdam A. S. Potter) vi et armis in quendam R. M. de A. pred̄ in Com̄ E. puellam infra ætatem decem annor̄ tunc existen̄, insultum fecit, ac tunc & ibid̄ eandem M. N. felonice ac carnaliter cognouit, ac eadem M. N. nequit̄ abusus est, contra pacem dict̄ dñe Reg. nūc, ac cont̄ form̄ statuti in pliamento dict̄ dñe Reg. nunc (tento apud W. in com̄ Middlesexiæ, anno dict̄ reg. sui 18.) in hm̄di casu prouis. ac edit̄.

For the Rape of a maide of the age of sixteene yeares, vpon the Statute of Anno 13. Ed. 1.

Sect. 174. IVratores presentant, p dña Reg. q. B. C. de E. in Com̄ E. Tauernet, 5. die Octobris, anno reg. dict̄ dñe nr̄e Eliz. Dei gratia Angliæ, Franc' & Hiberniæ Reginæ, fidei defensoris, &c. 34. apud C. pred̄ in dict̄ Com̄ E. quodam ibidem loco (voc' le bowze) vi et armis in quendam

A. K.

A. K. de E. præd in comitatu E. predicto, virginem ętatis sexdecem annor, tunc & ibidem in paçe Dei & dictæ Dom regin' exist', insultum fecit, ac tunc et ibid' cand' A. contra voluntaț ipsius A. felonicè rapuit, et carnaliter cognouit, contra pacem dictæ dom reg' nunc, ac contr' form cuiusdam statuti in Parliam dom Ed. olim reg' Angl primi, tento apud West. in com Midd' anno regni sui tertio decimo, in hmdi casu, puisi & editi.

For taking away a maide of the age of eleuen yeares, vpon the statute of An. 3. E. 1. *in which the statute is recited.*

IVratores presentant, quod cum in statuto in parliamento dñi E. nup reg' Angl primi, anno regni sui tertio tent, edit, inter ceter ord', exist, ꝙ nullus rapiat neque capiat ancillam infra etatem existent per assens. suum, vel sine assensu suo, neque dictam ancillam, nec aliam fœminam contra voluntatem suam, & si aliquis hoc fecerit, ad sectam illius qui hoc sequitur infra quadraginta dies, domin' rex sibi faciet communem iusticiam, & si nullus incipiat sectam in hac pte infra xl dies, dom rex sequetur, & illi qui inuent fuerint culpabiles, habeant prisonam duorum annorum, & postmodum redimantur ad voluntatem dom reg' put in eodem stat pleni' continetur. Quidam I. B. nuper de A. &c. statutũ pred' minime ponderãs, &c. I. O. filiam H. O. ancillam, & infra etatem existentem, viz. etatis xj annor quadr' diebus elapsis apud W. tertio die S. ann, &c. violenter cepit & rapuit, contra form stat pred', ac contr' pacem, &c. Sect. 175.

For a Rescous of a woman arrested (among diuers others) by the Sheriffes officers, vpon a warrant from a Iustice of the peace in their generall Sessions, to put in suretie to appeare before them at the next Sessions, and in the meane time to be of good behauior, and for the hurting of one of the said officers with an arrow.

IVrator pro dom regina presentant, quod cum H. C. R. H. & I. B. arm' ac socij sui Iust' dictæ dom reg' ad pacem in com E. conseru', necnon ad diuersa felon trñs & alia malefact' in eodẽ comit perpetrat, audiẽd & terminand assign, in generali session. pac. tent apud T. in com E. pred die Martis proxim', post festũ S. Triñ, anno, &c. mandauer vic' eiusdem comitat E. necnon & eorum cuilibet, ꝙ non omitterent propt aliq libertatẽ comit E. pred', quin eam ingrederent seu vnus eorum ingredet, & attachiarent seu vnus eorum attachiaret corpora O. W. nuper d' W. in comit T. Laboyer, & A. I. de W. pred' in Comit E. præd' detinent, & eos corã Iusticiar. prædict', vel vno socior' Iustic' pacis in Comitatu E. predicto venir, compellerent, seu eorum vnus venire compelleret, ad Sect. 176.

inueniendū sufficientē manucaptionem, quod ipsa personaliter comparerent cor̄ dictis justic', & socijs suis pred', ad proxim̄ Sessionē Pacis in com̄ E. pred' tenend'. Et quod interim se bene gererent erga dict̄ dom̄ reginam & cunctam populum suum, secundum formam statuti in hm̄di casu æditi & prouis. Cumq; pref. G.L. & I.R. virtute mandat̄ pred' arrestassent pred' Agn̄ I. & eam cor̄ justic' præd' vel eorum vno ducer̄ voluissent, prout mandatum pred' justic' predict' in se exigebat, quidam tamen A.B. de W. prædict' in com̄ E. præd' gen̄, & R.W. de W. predict' in Comitatu E. præd' Yeoman, Leges dictæ dn̄æ regin̄ minime verent, ex malicia sua precogitat̄ in contemptum dict̄ dn̄æ reginæ, legum suarum, ac mandati justic' pred' x. die Maij, anno &c. apud W. predict' in Comitatu E. pred' riotose & illicite assemblati & congregati, in prefat̄ G.L. & I.R. in pace Dei, & dictæ dom̄in̄ reg' adtunc & ibidem existen̄ insul̄ & affraiam fecer̄, ac prefat̄ R.W. diuers. sagittas, Angl̄ voc' Arrowes, versus prefat̄ G.L. & I.R. adtunc & ibidem sagittabat, ea intention̄, vt pref. G.L. & I.R. vulneraret, ac predic' Agnetem in custod' eorund' G. & I. rescuss̄er, ac prefat̄ R.W. cum vna sagitt̄ valor̄ vn̄' denar̄, quam adtunc & ibidem ipse iaculabat & mittebat versus prefat. I.R. è quodam Arcu, Angl̄ voc' a Long Bow, valor̄ ij s̄. quem in manu sua leua adtunc & ibid̄ tenuit, percussit, ac crus dextrum eiusdem I.R. adtūc & ibidem perforabat & transforabat, dans eidem I.R. adtunc ibidē in crure suo pred', vnam plagam in profunditate trium policium, ac idem R.W. cum vna al̄ sagitta valor̄ vnius denar̄ quam adtunc & ibidem iaculabat & mittebat versus pred' G.L. è predict. arcu quem in manu sua siniſtra ibidem R.W. adtunc & ibidem tenuit, prefat. G.L. percussit dās eidem G. adtunc & ibidem in infima parte siniſtri cruris eiusdē G. vnā plegā in long' dimidij policis, ac in profunditate vsq; ad ossa pd̄ cruris eiusd' G. Ac preterea pf̄. A.B. & R.W. Agnetem I. adtunc et ibidem a cust. dict̄ G.L. et I.R. vi et arm̄ recuss. atq; eand' Agnet̄ I. adtūc & ib. ad largum ire & euadere fecer̄, contr̄ pacem, &c.

Of high treason for rebellious insurrections, and the aiders and comforters.

Sect. 177. INquiratur pro dn̄o rege, si R.M. nup de S. in Com̄ K. ac alij falsi proditores & inimici metuēdissimi ac Christianissimi principis E. regis Anglię quarti post conquestum Agl̄, ignot̄, die et anno &c. apud Sancti Elins in insula Vectæ in Com̄ South. se insimull congregauer̄unt, et ibidem vi et armis, viz. gladijs, &c. Insurrexerunt quoque ad comfortand' et supportand', I. nuper Comit̄ W. falsum proditor̄ et inimicum dn̄i reg' nunc, apud VV. de diūsis altis, pditiō erga ipm̄ reg' infr̄ regn̄ suū Ang. fact', cōuict', et attinct', idemq; R. VV. et alij, pditor̄ & inimici

præ-

ꝑd, ꝑd I. nuper Comitem W. et complices suos, vt falsi ꝓditor, contra legiantiæ suę debitum, falso et ꝓditorie, adtunc et ibid' ad ꝑmissa faciend' conuenerẽ ac confortauerẽ, et tunc et ibid' eidem I. nuper com' W. et complicibus suis fuerunt adherentes, scientes ipsum I. nuper com' W. de ꝓditionibus suis pred' attinct' et conuict', contra ligeantiam suam, &c.

Another of high treason for rebellious insurrections, and the ayders and comforters.

INquir' ꝑ dño rege, si W. L. nuper de P. in Com' M. Marchant, G. B. nup' de &c. ac quãplur' alij falsi proditor', rebelles, et inimici ignoti Christianissimi Principis Edw. reg. Angliæ 4. post conquest', ex assensu voluntar' et ꝓpposito diuersor' aliorũ falsor' ꝓditor' et inimicor' dñi regis, viz. I. nuper com' W. et I. nuper com' K. qui nuper authoritate Parliamenti dicti regis apud Westm', &c. tent', de diuersis proditionibus erga dict' reg. infra reg. Angl' factis conuict' et attinct' exist' 4. die Martij, & die Mercurij, et diebus Sabbati et dñic' ꝓxim' post fest' Pentecostes et diuersis diebus antea et postea, anno regni dicti dñi regis 3. apud P. in Com' M. ꝑd insimul se congregauerẽ, et int' se communecauerẽ, quo modo ipsi pref. I. nuper Com' W. et complic' suos cum eis adtunc et ibidem super mare in nauibus suis (vt falsi proditor') existentes, per nimiam potestat' ꝑd I. nuper Com' W. ac pref. Com' K. et aliorũ falsorũ proditor' et inimicor' dict' dñi regis, de eor' couina, et falso ꝓpposito exist', vsq; regn' Angl' potuerunt ꝓducere; et dict' regem et dominos suos, tam spirituales quam temporales per totum posse suum, de regia potestate sua, et gubernat' regni pred', per nimiam postat' penitus depriuar', et gubernationem, regni ꝑd super se accipere et retinere ꝓponent', credebáq; adtunc et ibid' pred' W. et G. alij falsi ꝓditor' et rebelles pred' q maxima pars totius regn' Angl' cum eisd' falsis proditorib' in falsis opinion' suis stare voluisset, et ad illud falsum et nefand' ꝓpositum suum finalit' implend' pred' W. et G. et alijs falsi ꝓditores et rebelles pred' dict' die et anno apud P. pred' in dict' Com' M. vi et armis, sc. gladijs, gleuijs, arcubus, sagittis, loricis, duploidibus defensiuis, et alijs armat', &c. insurrexerunt, et pred' S. nup' Com', in cibis potibus et alijs necessarijs erga dom' reg. falso et ꝓditor' confortauerẽ, auxiliauerẽ, et supportauerẽ, et eisd' nup' Com', vt falsi ꝓditor' cont' ligeantię suę debit' adtunc et ibid' fuer' adherentes, et cum eisd' Com' naues suas ꝑd, (vt falsi ꝓditores) ad ꝓditoria sua ꝓposita pred' implend' et perficiend', contenderunt et in eis ꝑmanserunt; scientes ipsos nup' Com' in forma ꝑd sic attinct' et conuinct', in final' destruc' dicti dñi reg. ac cont' ligeantiam suã, &c.

Sect. 378.

Ayde.

For regrating of Corne in a Market.

Sect. 179. INquir̃ p &c. si W.T. de N. in p̃d Com' E. & A.B. &c. 1. die &c. et quamplur̃ al̃ dieb' antea et postea, fuer̃ regrat̃ mercat̃ de D. in p̃d. com. E. ac diũsa generꝫ grañ ad mercat̃ p̃d p diuers. ligeos dict̃ dñę reg. il̃ aduen̄, viz. x. quart̃ frum̃ ad valenc' 6. l. apud D. p̃d in pred' Com' E. regrat̃, ad intention̄ q̃ idem frum' iter̃ venderent, ad graue damñ populi dict̃ dñæ reg. cont̃ form' diũsor̃ stat̃ in hm̃di casu edit̃ & prouis.

For regrating of Fish and Butter in a Market, and selling of it in the same Market.

Sect. 180. IVr̃ p dña reg. presentant q̃ A.B. de C. in dict̃ Com' S. Mercer, 20. die Iulij anno regni dict̃ dñę nr̃æ Eliz. Dei gratia, Angliæ, Franciæ et Hiberniæ reg. fidei defensor̃ &c. 34. apud C. p̃d in Com' E. pred' in quodam mercat̃ tunc ibidem ten̄ p xl. s. monet̃, emit, regratauit, obtinuit, & nactus est in possession' & man' suas, x. paria pisc' (Angl̃ dict̃ ten couple of Lings, & tria vasa butyri salsi Anglice voc' three firkins of salt butter) de quodam E.F. qui p̃d x. paria pisc', ac dict̃ tria vasa butyri ad eund̃ mercat̃, vt ea adtunc ibid̃ vender̃, adduxisset: & q̃ immed̃ postea, sc. dict̃ 20. die anno supr̃d̃ idem A.B. in dicto eadem pleno mercatu tunc ibid̃ apud C. p̃d, in dict̃ Com' E. tento, eodem oĩa dicta paria piscium, ac butyri vasa, cuidam H.R. p 30. s. legal̃ monet̃ dict̃ dñæ reg. huius regni sui Angl̃, illicite vendidit, in magñ rei pub. damnum ac cont̃ form̃ diũsor̃ stat̃ huius reg. Ang. in hm̃di casu prouis. et editor.

For a Rescous of one in the Stocks for suspition of felony.

Sect. 181. IVr̃ p dña reg. presentant, q̃ 20. die Iunij, ann̄ regni dict̃ dñæ nr̃æ Eliz. Dei gratia Angliæ, Franciæ, & Hiberniæ Reg. fidei defensor̃ &c. 34. quidam A.B. nup de C. in Com' E. Glouer, apud C. præd' in com' E. præd' captus est & arrestatus per E.F. de C. pred' in Com' E. pred' Yeoman, p suspitione cuiusdam felloniæ, viz. vnius vaccæ ipsius E.F. per prefatum A.B. felonice (vt idem E.F. tunc asserebat) captæ & abductæ, et qd idē A.B. immediate postea traditus est per prefatum E.F. cuidam H.M. tunc Constabulario Hundredi de N. in Com' E. præd', in quo sita est villa de C. p̃d, qui quidem Constabularius in Com' E. p̃d, postea, viz. dicto 20. die Iunij, ann̄ 34 supradicto, eundem A.B. in prisona in cippis ibidem posuit, ad eum saluo ibidem custodiendum, donec idem Constabularius parare possit auxilium ad ducendum eundē A.B. coram aliquo Iusticiariorum pacis dictæ dominæ Reginæ in Com'

E.

E. pd, examinandum. Ac quod postea (sc. dicto 20. die &c. anno supradicto) quidam C. L. de C. pd in Com E. pred' Glouer, apud C. pred' in dicto Com E. vi et armis cippos pd diffregit, ac eund A. B. tunc ibid' existen ex eisd custodia, prisona, et cippis felonice cepit, eripuit et rescussit, ac ad largum ire et vadere permisit, cont pacem dicte dne regin, coron, et dignitatem suas.

For giuing of a Liuerie.

VI, p dna reg. presentant, q T. B. de C. in Com T. Armiger 1. die Sept. Sect. 182.
tembr, anno regni dict dne nre Eliz. De gratia, Angliæ, Franciæ, & Hiberniæ Regina, fide defensoris &c. 34. apud C. pred' in Com E. pd, quasdam liberatas vestitus, viz. cuidam A. B. de C. pred' in Com E. pd Yeoman, tres virgas panni lanei, color veneti, precij 20. s. et C. D. de B. in dict Com Yeoman, alias tres virgas similis panni lanei, eorundem coloris & precij, ad duas reportales tunicas, p pred' A. B. & C. D. inde faciendas, de die ac distribuit, vbi reuera pred' A. B. & C. D. aut eorum alter, nunquam fuerant, aut fuit domestici seruientes, aut domesticus seruiens, officiarij, siue officiarius, balliui siue balliuus, dicti T. B. aut de consilio ipius T. B. in vna lege siue littera eruditi vel eruditus. In magnum dict dne reg. contemptum, ac contra formam diuersorum statut in huiusmodi casu ante hac pui. et edit.

For receiuing and vsing of a Liuerie.

VI, p dna reg. presentant, q A. B. de C. in Com E. Yeoman, vnam libe- Sect. 183.
ratam panni, viz. tres virgas panni lanei, coloris veneti, vocati Angl (watchet) ad valentiam 20. s. ad tunicam inde sibi faciendam de T. B. de C. pred' in com E. pd armig', apud C. pred' in dicto com E. 2. die Augusti, &c. recepit, & eadem tunica a dicto die 2. anno supradict vsq; 5. diem mensis Septembr anno supradicto apud C. pred', in Com E. pred' et alibi in diuersis locis infra Comitat pd vsus est, vbi idem A. B. dicto tempore receptionis liberate pred', aut vnquam postea non fuit familiar, officiarius, balliuus, aut de consilio dicti T. B. in vna lege aut altera eruditus; In magn dict dom reg. contempt, ac contra form diuersor statut in hmdi casu ante hac prouis. et editorum.

For giuing, receiuing, and vsing of Liueries, vpon the Statute
vide Anno 8. H. 4. & Anno 8. H. 6.

Sect. 184. IVr dicunt' q̃ cum in stat' dñi regis H. 4. nuper regis Angl' anno regni sui .&c. ac in stat' in parliam̃to dñi H. 6. bonæ memoriæ, anno regni sui 8. apud W. tent' et edit', inter cetera continetur, q̃ non liceat alicui, cuiuscunq; status, gradus, seu conditionis fuerit, dare aliquam libertat' vestur' vel capic' alicui personæ, nisi tantummodo familiarib', officiariis, ballijs, et seruientibus suis, ac alijs hominibus de consilio suo in vna lege seu altera eruditis, sed p̃na C. s. de terr' et ten'tis, bonis et catallis hm̃di liberat' dant', &c. s. de terr' et ten'tis, bonis et catallis hm̃di liberat' recipient' siue vrent', toties, quoties aliqua liberat' in contrariũ stat' p̃d' dat' seu accepta fuerit, leuand', quidam tamen R. B. de C. in com̃ H. arm̃ stat' p̃d' minime ponderans, quasdam liberatas vestur', viz. diuisas rogas coloris, stat' magna in, quibusdam I. de B. yeomen, &c. S. C. de eodem yeoman, qui nec sunt nec vnquam fuerunt seruient' offic', balliui, seu familiar' ipsius R. B. nec in lege vna seu altera aliquat' erud' aut instruct' die, &c. anno &c. apud &c. dedit et distribuit. Et p̃d' I. et S. easd' togas de pref. R. eisd' die, anno et loco, con' form' stat' p̃d' recepet', et eisd' tog' continue à pred' die &c. vsq; &c. apud F. F. et S. vsij fuer', in contempt' dnæ Reg. legisq; suæ dedicus manifest', ac con' form' stat' pred' &c.

For an affray made by diuers, at a generall Sessions of the Peace.

Sect. 185. IVratores pro Domina Regina pr̃sentant, quod vicesimo nono die Decembris Anno regni dict' dominæ nr̃æ Elizabethe Dei gratia Angliæ, Franciæ, & Hiberniæ Reginam, fidei defensoris, &c. Tricesimo quinto apud M. in Com̃ C. tempore generalis Sessionis pacis in predicto comitat' tunc ibidem ten'. & H. G. Militi et socijs suis Iusticiar' dict' Dominæ Reginæ ad pac̃ in dicto comitat' C. conseruandam assignat' tunc ibidem existentibus, et in pleno curia sedentibus, quidam A. B. C. D. E. F. G. H. & I. K. de S. in com̃ C. pred' generosi, aggregatis sibi nonnullis alijs pacis dict' dominæ Reginæ perturbatoribus ignotis ad numerum xxx. hominum 6. & armis viz. gladijs et pugionibus armatis, illicite, routose, et riotose, sese assemblauerunt, ac inter se insultum et affraiam maximam tunc et ibidem fecerunt, sese inuicem verberantes, et vulnerantes, in magnum terrorem tam dictorum Iusticiariorum tunc ibidem in curia sedentium, quam totius populi dict' dominæ Reginæ ad dictam Sessionem pacis tunc et ibidem conuenientis, ac contra pacem, coronam, et dignitatem dict' Dominæ Reginæ nr̃æ.

Or

Or thus;

IVratores pro domina reg' presentant, quod I.B. de K. in com E. pred yeoman, I.G. de eisdem yeoman, W.B. de P. in Com E. pred yeoman, et I.K. de eisd' yeoman, vndecimo die Ianuarij, anno regni regine Elizabeth &c. apud W. in com E. pd', tempore generalis cessacionis pacis adtunc et ibidē cont, et justic' dict dom reg', ad pacem in com pred conseruand assign ibid' existent, vi et armis, viz. &c. illicite et riotose sese assemblauer, et per instigationem et procurationem pred' I.B. & W.B. insultum et magnā affraiam adtunc et ibid' inuic' fecer, & commisser in magnum timorem, et perturbationem, tam predict justiciar dictæ domin reginæ adtunc & ibidem existen quam totius populi et legeor subdit dictæ dominæ reg' in com S. pred. adtunc et ibidem confluenc', contra form et ordin p justic' pd', adtunc et ibid' de pace gerend fact in manifest' contempt dict dom regin, ac in justic' ibid' exequend et administrand retardation manifest, ac contr pacē dict dom reginæ, &c. Sect. 185.

For a Riot in a parke vpon the Keeper of the Parke and his seruant, and for hurting the keeperi seruant with an arrow.

INquirat pro dom reg', si E.P. &c. H.P. &c. et R.B. &c. aggregat &c. riotose et routose, et modo nouæ insurrection, in contempt illic, & modo guerrino arraiat, vi et armis, viz. &c. 30 die apud H. in com E. pd', in clausum et parcum E.P. vidue, ibidem fese illicit, riotose et routose assembl, congregatum, et vniuer, ad pacem dictæ dom reg' disturb, et adtunc et ibid' in quend A.D. gen custod parci pd & in I.B. fam ipsi A. in pace Dei, et dict dom reg' existen inuit fecer et pd G.P. vna sagitt è q parcu tent quē idē G.P in man suis adtunc et ibid habuit et tenuit, sagitt. Et eund I.B. cū sagitt pd, in pector suo percussit, dans eidem I.B. vnā plagā profundit dimid pollicis, et latitud vnius pollicis, ita q de vita sua desperabatur, et alia enor eis intuler ad graue dam ipsor A. et I. contra pacē dict dom reg', et contra form statut in hūdi casu æditi & prouis. Sect. 186.

For riot in pulling downe of hedges and ditches.

INquiratur pro domina regina, si I.R. nuper de B. in Comitatu pred' yeoman, R.A. nuper de G. in com' pred' Vulbarman, & I.B. nuper de D. in comitatu pred' Gro. cum multis alijs malefactor eis agregat, & pacis dictæ dominæ reginæ perturbator ignot, modo guerrino arraiat, Sect. 187.

arraiat, vnit, assemblat, & congregat, ad numerum qui ndecim persona per instigationem & procurationem predict I. R. in magnum terrorem subditorum dict dominæ reginæ, quarto die Maij, anno regni dominę nostre Elizabethæ, &c. secundo, vi & armis, viz. gladijs, fustibus, bipennis, baculis, & alijs armis inuasius, clausum R. B. armis, apud F. infra parochiam de B. in comitatu predicto vocat the B. riotose fregerunt & intrauerunt, ac pedes & claus. pred. R. B. ad numerum sexcentorum pedum, adtunc & ibidem existent, lacerauerunt, struper, & prostrauerunt, & fossat ibidem existent, adtunc & ibidem cum legonibus & bipallijs foder, planauerunt, & impleuerunt, ad graue damnum ipsius R. B. contra formam diuersorum statutorum de Riotis & routis, & alijs contentis illicitis inde nuper edit. prouis. & contra pacem dict. dom regine, &c.

An Indictment against many, for beating and imprisoning of the Sherifes bailife, comming with the Sherifes Replevy to execute it, wherein the Replevy is recited.

Sect. 188. INquiratur p dom Regina, quod cum N. W. miles, Comitatus E. per warr suum de liberatione sigillo suo sigillat, cuius datus est quinto die Aprilis, anno regni H. 8. vicesimo septimo, mandauit cuidam A. B. bilifo suo comit. E. pred. quod deliberaret, seu deliberari faceret cuidam I. H. aueria sua que W. S. nuper de S. in comitatu pred E. genet, & P. B. nuper de eadem vill. & Comitatu Clothier, cepissent & iniuste detinebant contra vad. & plegios prefat. Tho. dicebat; Et quod poneret ipsos W. et P. per vadios & saluos plegios quod essent ad proximum com ipsius vicecomit apud H. in comit pred, tunc ad respondendum prefat. T. H. de pl predicto; virtute cuius warrant, pred A. die & anno supradictis apud S. pred requisiuit prefat W. S. quod dimitteret sibi aueria predicta, ad deliberandum eidem prefat T. H. secundum vim, formam, & effectum warranti predict, si predict W. ac quidam H. C. nuper de S. in comit predict husbandman, cum multis alijs ignotis ad numerum octo personarum, dicto quinto die Aprilis, anno supradicto apud S. predict. warrant predict minime ponderantes, vi & armis, viz. gladijs & baculis, in ptef. A. insultum fecerunt, verberauerunt, vulnerauerunt, & maletractauerunt, ac ipsum A. adtunc & ibidem imprisonauerunt, & detinuerunt, per spacium quatuordecim & quatuor noctiu extunc prox. sequentes, & adtunc & ibidem debitam executionem warr predicti contradixerunt, impedierunt & disturbauerunt, ad graue dānum ipsius C. ac contra pacem dict. domini regis, coronam, &c.

For

For a Riot in cutting and carrying away of Corne.

IVratorꝰ &c. quod A. B. et E. D. &c. aggregatis eis quampluribus alijs malefactorꝰ, & pacis dñe reg. perturbatoribus ignotis, ad numerꝰ 4. pſonarꝰ modo guerrino arraiatꝰ 3. die Febr anñ &c. vi et armis, viz. gladijs, baculis, et alijs armꝭ tam inuaſiuis quam defenſinis apud F. in Comitꝰ Eborꝰ, iniuſte, riotoſe, & routoſe, aſſemblauerꝰ, clauſumq; T. L. apud C. adtunc et ibidꝫ iniuſte fregerꝰ, et intrauerꝰ, & 10. acrꝰ tritici, adtunc et ibidꝫ creſc' valorꝰ &c. de boñ & catallꝭ T. L. predꝫ, adtunc et ibidꝫ inuētꝫ iniuſt' riotoſe et routoſe meſſ. falc', & aſporꝰ, conꝰ pac' dictꝰ dom reg. &c. Sect. 189.

For robbing of one in the high-way.

INquiratꝰ p domina Regina, Si A. B. de C. in Comitatu E. Mariner, ſexto die menſis Octobris, Anno regni dicte domꝰ noſtræ Elizabethę Dei gratia Anglꝭ, Franc', et Hibernꝭ Regꝭ fidei defenſorꝰ, &c. Triceſimo quinto, vi et armis, viz. cum gladio et pugione (ad valentiam x.s.) diſtrictis, inter horas ſeptimam et octauāꝫ ante meridiem eiuſdem diei in alta via Regia iuxta quendam locum (voc' Gads hill) infra paroch' de F. in comꝰ E. predꝫ, in, et ſup quendam I. S. de B. in Comꝰ E. predꝫ, petite chapman, tunc et ibidem in pace Dei, ac dictꝰ domine Regine exiſtentem inſultū fecit et ipſum I. S. tunc et ibidem cum dictꝰ gladio percuſſit et vulneraujt, ex 20.s. legalꝭ monetꝫ Anglꝭ numerate in crumena ipſius I. S. exiſtentes, de bonis et catallis predꝫ I. S. adtunc & ibidem inuentos à perſona ipſius I. S. tunc et ibidem violenter et felonice cepit et aſporꝰ, in magnum predꝫ I. S. terꝰ, ac contrꝰ pacem dicte domiñ Reg. coroñ, & dignitatꝭ ſuas. Sect. 190.

An Indictment againſt one for aſſaulting and beating of two in the high-way to the intent to haue killed or robbed them.

INquiratur p dñi reg. ſi H. B. nuper de B. infra parochiam de W. in Comꝰ E Sadler, 17. die Nou. anno &c. circa horam ſextam poſt meridiem eiuſdꝫ diei apud O. in comꝰ E. predꝫ, in cōmuni via regia, in quodꝫ loco ibidꝫ, voc' C. in quoſdꝫ T. L. et W. W. adtunc & ibidꝫ in pace Dei & dictꝰ dñe reg. exiſt', inſultꝰ fecit, cum quodꝫ gladio precij 6.s. quem ipſe in manu ſua dextra adtunc et ibidꝫ habuit, & ipſos T. L. & W. W. grauit verberauit, vulneꝰ, et maletractꝰ, ita q; de vitijs ſuis deſperabatꝰ, ea intentiōn ad interficiendꝫ, vel ſaltꝫ ad ſpoliandꝫ pdꝫ T. L. et W. W. de boñ et pecuñ ſuis, et alia enormia eis adtunc et ibidꝫ intuliꝭ, ad graue damñ predꝫ T. L. et W. W. ac contra pacem dictꝰ dñæ reg. &c. *vt ſupra.* Sect. 191.

An

An Indictment against a Cooke, for an assaulting one by the high-way and taking from him his cloake.

Sect. 192. INquir̃ pro dom̃ reg' si I.G. nup de A. in Com̃ E. Cooke, 13. die Aprilis, anno &c. vi & armis &c. circa horam 4. post meridiem eiusd̃ diei, apud S. in com̃ E. p̃d̃ in via regia ibid' in quend' I.W. adtunc et ibid' in pace Dei, et dict' dñæ reg' existen̄ insult̄ fecit, et ipsum I.W. adtunc et ibid' in magno timore corporal̄ imposuit, et vnam clamid̄ vocat̄ a cloake, color̄ blew, valor̄ 3.s.4.d. in pecun̄ numer̄, de donis et cattal' dict' I.W. a psona eiusd' I. adtunc et ibid' inuent̄ felon̄ cepit et asport̄ cont̄ pac' dict' dñę reg' coron̄, et dinitat̄ suas, *vt supra.*

An Indictment against one for making an assault and affray, vpon one in the new Forrest in the highway, and taking from him his purse and twentie shillings in it, and two gold rings off his fingers.

Sect. 193. IVrator̄ &c. qd A.B. nup de &c. 2. die I. &c. vi et armis, viz. &c. in noua foresť in quod' loco ibid' voc' I. in paroch' de F. in com̃ p̃d̃, in quēd' homin̄ ignor̄ in reg' via ibid' insult̄ & infraiā fecit, & eū in timor̄ corpor̄ adtūc et ibid' posuit, et 20.s. in pecun̄ num̄ in quod' crum̃ ibid' exist', & 2. annual̄ aurens valor̄ &c. sup digit̄ eiusd̃ hom̃ ignor̄ exist' de bon̄ et cattall' eiusdē hom̃ ignor̄, a person̄ sua adtunc et ibidē felon̄ cepit et asportauit contra pacem &c.

Against a Rogue, a Vagabond, and against him which lodgeth and releeueth him.

Sect. 194. IVurator̄ pro dñi reg' presen̄t, q̄ A.B. nup de C. in com̃ E. Labozer, ætatis 14. Annor̄ et ampli⁹, ac corpor̄ sano, valen̄t, potente, atq; ad laborand' habili exist', nullā autem habens terrā, nec vllam magistr̄, nec aliqua vtens licita Merchandiza, arte, vel mysterio vnde sibi vict' parar̄ posset, ac prorsus nesciens rationem reddere quo pacto vict' suum legitim̃ acquirit, 10 die Augusti, anno reg' domin̄ nr̄æ Eliz. Dei gratia Angliæ, Franciæ, & Hibernię Reginæ, fidei defensoris &c. 35. apud E. infra hundredū de W. in com̃ E. pred', & multis alijs in locis dict' com̃ E. hac illac passim vagatus est mendicans, ac p W.P. de E. pred', in dict' com' E. Yeoman, Constabularium dict' hundredi de W. (in quo sita est villa de F. p̃d̃) postea, viz. 11. die dicti mensis Aug. ann̄ sup̃d̃, apud E. p̃d̃ in com' E. p̃d̃ inuent⁹ est vagans, et medicans, ac p eund̄ Constabular̄ tunc ibid̄ deprehensus est inordin̄ se gerens, tanquam vagabund̄ et medicus valens contra pacem dictæ dñæ reg. ac cont̄ form̃ diuer-

sorum

forum statutorum in diuersis Parliamentis dictæ dñæ rñæ tunc inde prouisorum & æditorum, & vlterius q̄ G.H. de E. pred', in comit' E. yeoman, sciens pfat' A.B. modo & forma pred' vagantem & mendicantē eundem tamen A.B. dicto decimo die anno suprad' in domo ipsi' G.H. mansionali apud E. pred', in com' E. pred' hospitauit, & idem A.B. tunc & ibidē panem & potum voluntarie dedit in contemptum dict' dom' reg', ac contr̄ formā statutor̄ pred.

For breaking of a safe conduct granted by King H. 6. to Marchant strangers of Geneua.

IVrat̄ presentant, q̄ cum illustrissimus princeps Henr. Rex Angliæ, sextus post conquest', per literas suas patentes sub saluo conductu suo, concessit licentiā, & saluū conduct' suum dedit A.B. & D. & alijs alienigenis Mercatoribus de Genua, p̄ eis, & quadam naui voc' (a Carik) & pro bonis, rebus, & merchandisis suis, infra eandem nauem existen', de transitu portus South. in Angl' per mare, versus partes Genuæ transferend', & eadē absque aliquibus roberijs, fraction', impeditione, perturbation', aut caption' ipsorum alienigen', bonor̄, et merchand' siue mercimoniorum suorum pred', per aliquos ligeos dicti dom' regis infra regnum dicti regis Angliæ, gaudend', sine impeditione ibidem: quidā H. & D. in comitatu E. ar. mig', & alij fractores salui conductus dom' Regis, de ligeis ipsi' domini regis infra regnum Angl' existen' ignor̄, vi & armis, viz. gladijs, arcub', sagittis, duploidibus defensiuis, & alijs armis defensibilibus armati saluū conductum pred' minime verentes & spernentes, in predictos A.B. & alios alienigenos adtunc & ibid' insult̄ fecerunt, & ipsos verberauerunt, vulneraueř, ac maletractaueř, & ipsos in naui pred', tanquam eorum prisonarios adtunc & ibidem ceperunt & custodiueř, & eos in prīsona sub custod' sua, diu, viz. per 4 dies quousque ijd' A.B. & D. & alij alienignæ in eadem naui existen', finem & redemptionem pro saluo conductu & deliberatione suis habend', pro sexcent̄ marcis cum pref. H. & alijs præd̄ fecissent, detinuerunt, contra saluū conductū dom' regis præd̄, & contr̄ formā statutiū hūdi casu prouis. & ædit, ac contra dignitatem regiam, ac in malum exemplū aliorum, &c. Sect. 195.

For Sacriledge or Burglarie in a Church in the night time, and the taking away of a Communion Cup.

IVratores præsentant pro domina regina, q̄ A.B. de C. in Comitat̄ E. predict' Taller, primo die Septembris, anno regni dictæ Dominæ nostræ Elizabethæ Dei gratia Angliæ, Franciæ, & Hyberniæ Regin', fidei Sect. 196.

fidei defensoris &c. Tricesimo quarto, vi & armis Eccles. poch' de C. prædict in dict com E. felonice, et burgl' fregit & intrauit noct, viz. inter horas decim & vndecim post meridiem eiusd diei, ac vnū calicē argen (Angl' voc' a Communion Cup) ad valenc' xl s de bonis et catall' pochianor de C. pd, adtūc existent' in eadē ecclesia, et tunc ibid' inuent' fel' cepit et asportauit, cont' pac' dict dom reg' nunc coronam et dignit' suam.

For sacriledge or robberie in a Church, and for the taking away of two Communion cups, two Copes of blacke velvet, and three Surplices.

Sect. 197. INquir', &c. si I. M. nuper de D. in com M. & R. H. nuper de eadem D. pd, in com M. Yeoman, laici hom (vt supra) 23 die, &c. vi et arm, viz. gladijs, baculis, & cultellis eccl' paroch' omnium sanct' de E. apud E. in com M. pd circa hora 12, in noct eiusd diei felon freg' et intauer, et duos calices d argent et auro, duo vestim de nigro velvet, voc' copes, tres pannos lineos voc', &c. ad valenc', &c. de bonis et ornament, de paroch' de E. pd in com M. pd, in custod I. B. et T. P. custod' et gardian eccl' pd adtunc ibid inuent, felon furati fuerunt, ceperūt, et asportauer contr' pacē dict dom regis, ac contr' form statī eiusd dom reg. ann regni 33. edit et prouis. &c.

For slanderous writing, and publishing the same against the Queene.

Sect. 198. IVratores pro domin' regina presentant, quod A. B. nuper de C. in com E. Clericus 25 die Iulij, anno regni dict' dom nre El. Dei gratia Angliæ, Francię, et Heberniæ reg' fidei defensor &c. tricesimo quarto, apud G. in com E. pd, consulte et deliberate, cum malitiosa intent et felon quoddā scriptū Angl' edidit et publicauit, continens (inter alia) hāc falsam, seditiosam & scandalosam materiam, ad defamationē maiestatis dict. dñe rīnæ nostr' nūc, viz. (reciting the seditious words thereof) contr' pac' dict dñæ rīne nrē, & regal. maiest. suā (cui ne in cogit' quidē detrahere licet) ac cont' form cuiusd' statut in Parliam dict' dñæ rīnę nre nunc, tent' apud W. in Com Mid, ann regni sui vicesimo tertio, in hmdi casu prouis. ac æd'.

An Indictment against a Scholemaster being a recusant, for teaching Schole in a widdowes house without Licence, and against the widdow for keeping him in her house knowing him to be a recusant.

Sect. 199. IVratores pro dña Regina presentant, quod K. M. de I. in Comitat E. Scolæ magister, secundo die Septembris, anno regni dictæ dñæ nræ

Eliz.

Elizabethæ, Dei gratia, &c. tricesimo quarto, vsq; nunc, in domo manſionali cuiusd̃ E. A. de I. præd̃ in com̃ præd̃ viduæ, ausus est, & presumpsit erudire, & docere pueros dictæ E. A. ibid', cum idem K. M. durante tempore prædicto nõ accessit, nec resortauit ad eccl̃ parochial̃ de I. præd̃ in com̃ P. præd', nec ad villam aliã capellam, aut vsualem locum comun̄ præcation̄, sed se penitus p̃ totum tempus præd̃ abinde absentauit, nullam habens legit̃ aut rationalem dictæ suæ absentiæ excusation̄, et cũ eidem K. M. non est p̃ Episcopum Diocesis loci illius, in quo sita est p̃d̃ eccleſia parochialis de I. præd̃, aut per eius loci ordinarium licentiat', aut allocatus ad erudiend̃ et docend̃: In magnum dict' dñæ nr̃æ Reg. contemptum, ac contra formam statut̃, in Parliamento dict' dñæ reginæ, (tento apud West. in com̃ Midd̃, anno regni sui vicesimo tertio) in huiusmodi casu p̃uisi & editi. Et quod præd' E. A. voluntarie in domo sua præd' per totum tempus præd̃ custodiuit & manutenuit præf. K. M. modo & forma præd̃ erudientem & docentem, sciens ipsum K. modo & forma præd̃, se absentasse. In contemptum dictæ dñæ reginæ, ac cont̃ formam statuti predicti.

For words spoken against the Queene, upon the statute of Anno 23. of her raigne.

IVrat̃ p̃ dom̃ Regina p̃sentant, quod infra tres menses iam vltimo elapsos, viz. secundo die mensis Octobris, Anno reg. dominæ nostræ Eliz. Dei gratia Angliæ, Franciæ, & Hiberniæ regis, fidei defensoris, &c. tricesimo quinto, G. P. de A. in com̃ G. Labourer, in domo manſionali cuiusdam R. S. infra parochiam de A. præd̃ in com̃ C. precij ac in p̃sentia multorum dictæ dominæ reginæ subditorum fidedign̄ tunc ibid' existentium, consulto, deliberate, ac cum malitiosa intentione adversus dictam dominam nostram nunc, ex imaginatione ipsius G. P. p̃pria, hæc falsa, seditiosa, & scandalosa dicta, ad scandalum & defamationem dictæ dominæ reginæ nostræ, tunc & ibid̃ locutus est, vt in his Anglicis verbis sequitur, viz. (reuiling the subiects themselues) In magnum dict' dominæ Reginæ nostræ nunc contemptum, ac contra pacem, coron̄ & dignitat̃ suas, nec non contra form̃ statuti in Parliament̃ dictæ dom̃ nostr̃ nup̃ tento apud West̃ in com̃ Midd̃, anno regni sui vicesimo tertio, &c. Sect. 200.

For slandering of a Nobleman.

INquiratur p̃ domina Regina, si R. B. nuper de C. in com̃ D. yeoman, Deum præ oculis suis non habens, sed instigatione diabolic̃ seduct', ac legeantiam suam erga dictam dominam nunc Elizabeth', Dei gratia Sect. 201.

gratia, &c. parui pendens, ac leges & ſtatuț huius reg. Angl̃ minimè eſtimans, nec pœnam in eiſd̃ contenț aliqualiter verens, 16. die Maij, Anñ regni domiñ Eliz. &c. apud M. in com̃ D. præd̃, malitiosè ex imaginatione ſua ꝓpria, hæc falſa & ſcandaloſa verba ac rumor̃ de magnatib⁹ & ꝓceribus huius regni Angl̃ ſubſequentia, ꝓlocuț eſt, viz. that, &c. Quæ quidem omnia, quanquam falſa ſint, vt vera retulit, & multa alia verba ſcandaloſa adtunc et ibid̃ dixit & propalauit, contra pacem dict̃ dñæ reg. nunc, coroñ & dignitat̃ ſuas, & cont̃ form̃ diuerſor̃ ſtatutor̃ inde nuper ædit̃ & ꝓuiſ.

For ſhooting Haile-ſhot in a Hand-gunne, vpon the Statute of 2. Ed. 6. wherein the ſtatute is recited.

Sect. 202. INquiratur ꝓ domina Reg. qd cum in Statuto in Parliamento dñi E. nuper regis Angl̃ ſexti apud Weſtm̃, Anno regni ſui ſecund̃, inter alia ordinat̃ & inactitat̃ exiſtit, ꝙ nulla perſoñ ſubter gardum dñi Parliamenti extunc deinceps ſagittaret in aliquo tormento infra ciuitat̃ vel villam, ad aliquam volucr̃ ſiue aliam metam ſuper eccleſiam, domum, aut columbar̃, neque ꝙ aliqua ꝓſona ſagittaret in aliquo loco, aliquam ſagittatioñ voc' haileſhot, aut pluȓ glandines plũbeas, quã vnam vno tempore, ſub pœna forisfact' dec' libr̃ ꝓ quolibet tempor̃ in quo ipſe cont̃ ſtatuț p̃d̃ delinqueret, & impriſonament̃ corporis ſui ꝓ ſpacium triũ menſ. ꝓut in ſtatuț præd̃ plenius continetur. Quidam tamen I. C. nup de B. in com̃ E. yeoman, ſtatuț præd' minimè ponderans, nec pœn. in eod̃ contenț aliqualiter verens, 5. die Iunij, &c. in quodam tormẽto Angl̃ voc' a hand gun, onerat̃ puluere et glandinib⁹ plũbeis, Angl̃ charged with powder & haileſhot, in quand̃ anat̃, adtunc in quadã paluđ in cõmuni campo voc' Featherfield, de B. p̃d̃ in com̃ E. præd' exiſt', ſagit & exonerauit, Angl̃ diſcharged, cont̃ form̃ ſtatuti præd', ac cont̃ pacem dict̃ dom̃ Reginæ nunc, coroñ & dignitat̃ ſuam.

For being a common Barretor, for keeping a blind Tauerne, and receiuing ſuſpicious perſons, and the wife a Scold.

Sect. 203. INquiratur &c. ſi I. S. nup de C. in Com̃ N. Labourer, eſt homo malæ conuerſatioñ & gubernatioñ, ac cõmunis barrat̃ & pacis dñæ Reg. Pturbator. Et ꝙ idem I. S. apud G. p̃d̃ in com̃ N. p̃d̃ cuſtod̃, tenet, & occupat quand̃ domũ, ſiue Taber̃, non habent̃ vſuale ſigñ aptè appoſit̃, vulgariter dict' a blind Tauerne. Et qd primo die Iunij, &c. Necnõ diuerſis dieb⁹ et noctib⁹ antea & poſtea, in eand̃ domũ diuer̃ hoȓes malæ cõuerſatioñ, & ſuſpect', venient̃ omnib⁹ horis, tam noct', quã diei, recipit & hoſpit̃ eſt, ꝓ q vicini ſui ac alij ligei populi dict' dñę reg. ibid̃ multipliciter

pliciter vexant, inquietant', & grauãt', et ministri dñæ regñ, ꝓpter pacis conseruationẽ, officia sua ibid' exercere & exeq' ꝓhibent', et sæpenumr in periculo amissionis vitæ et lesionis corpor suor quotidie exist'. Eq; I. vxor pd I. S. est communis obiurgatrix, tam cum vicinis q̃ cum alijs ligeis dict' dñę Reg. ꝓ qd populi dict' dñæ reg. multipliciter molestant', inquietant', & grauant'. contr pac' dictæ dñæ reg. &c.

For breaking of a stable, and taking out of the same a Gelding and a Mare, and the accessarie after.

IVr pro domina Regina pſent', qd A.B. nuper de C. in Com' E. vicesimo nono die Aug. Anñ Reg. dict' dominæ nostræ Elizabethæ, Dei gratia Angl', Franc', & Hibern Reginę fidei defensoris, &c. Tricesimo quarto, vi & armis quodam stabulum in domo mansionali cuiusd I. S. infra parochiam de C. prædict' in comitatu E. prædict' existens, fregit & intrauit, et vnum equum spadonẽ (Angl' vocat a gelding) coloris albi, precij sex libraꝝ et vnam equam color nigri, precij 30. solid de bonis et catallis ipsius I. S. tunc et ibid' existen inuentos felon cepit et abduxit, contr pac' dict' dñæ Reginæ coron & dignitatem suas. Et qd K.H. nup de C. pred' in com' E. prædict' hospitio, sciens pref. A.B. felon prædict' apud C. præd' in com' E. prædict' modo & forma præd' fecisse et ꝓpetrasse, eund' tamen A.B. apud C. præd' in com E. præd 30 die dict' mensis Aug. Anno suprad felon recipit et hospitio excepit, post felon' prædict' sic per ipsum A.B. vt prefertur factam & cõmissam contra pac' dict' dñæ nr̃ę Reg. nunc, et contra coron, ac regiam dignitatem suas. Sect. 204. Receit.

An Indictment against a seruant of the age of 19. yeares retained for one yeare for going away with ten pounds, the which his master deliuered vnto him in trust, to keepe it for him.

IVr pſent', ꝓ domina reg. qd cum A.B. de C. in comitatu E. Yerter, vicesimo die Septembris, Anno regni dominæ nostræ Elizabethæ, dei gratia Anglię, Franciæ, et Hiberniæ Reginę, fidei defensoris, &c. Tricesimo quarto, in domo mansionali ipsius A.B. apud C. prædict' in Comitatu E. præd' deliberasse et cuidam E. F. de C. prædicta in dicto Comitatu E. Yerter, tunc seruienti ipsius A.B. pro vno anno integro retento, ac ætatis nouem decem annorum existenti, decem libras in pecunijs numeratis de bonis ipsius A.B. ea intentione, vt idem E.F. eas dem saluo custodiret, ad vsum pred' A.B. tunc magist' sui: Idem E. F. dicto vicesimo die Septemb. anno suprad (apprenticius dicti A.B. tunc non existens) apud C. præd' in comitatu E. pd a dicto magistro Sect. 205.

ſuo vna cum pred' decem lib' dict' A.B. tunc magiſtr' ſui malitioſe & fe-
feloñ diſceſſit, abijt & aufugit, ea intentione, ad furand' dict' decem lib'
cont' fiduciam inco p' pref. A.B. tũc magiſtr' ſuum reposit' & collocat',
& ad inde dictum A.B. magiſtr' ſuum pred' defraudand': cont' pacẽ dict'
dñi Reg. ac cont' formam diuerſor' ſtat' huius regni Angl' in hm̃di caſu,
prouiſorum & editorum.

For ſtealing of a Cow, and the acceſſaries before the offence committed.

Sect. 206. IVratores, p̃ dominã Reginã p̃ſent', qd A.B. de C. in Com̃ E. ſ. husband-
man, primo die Iu. Anñ Reg. dict' dominæ noſtræ Elizabethæ, Dei
gratia Angl', Franc', & Hiberñ Reginæ fidei defenſoris, &c. Triceſimo
quarto, in quodam loco infra parochiam de C. predict' in Comitatu E.
prædict' (vocato the Cow paſture) vi & armis, &c. clauſum cuiuſdam
I.S. de D. in com̃ E. pred' yeoman, fregit & intrauit, & quandam vac-
cam (coloris nigri, precij 40. ſolid') de bonis & catallis pred' I.S. tunc
ibid' exiſtẽ inuentam, feloñ cepit, furatus eſt, & aduxit contra pacẽ
dict' dñæ Reginæ nunc coronã & dignitatem ſuas. Et quod quidam G.H.
Procurement. de C. pred' in dict' com̃ E. Butcher, ante feloñ predict', ſcz. eodem pri-
mo die Iunij, Anno triceſimo quarto ſuprad' eund' A.B. apud C. pred'
in com̃ E. prædict', ad feloñ predict' faciend' & perpetrand', malitioſe et
feloñ exitauit, perſuaſit, & procurauit, contra pacem dict' dñæ Reg. co-
roñ & dignitatem ſuam.

An Indictment vpon the ſtatute of Anno 21. H. 8. againſt a ſeruant aboue the age of 18. yeares, for going away with a bracelet of gold, worth 17. li. deliuered to him by his Maſter to keepe, wherein the Statute is recited.

Sect. 207. IVrator' preſent', &c. quod cum per quendam act' in Parliamento dñi
H. nup̃ regis Angliæ 8. apud Weſtm̃ in com̃ Midd', añ reg. ſui 21. tent'
æditt', per dict' dominum Reg. cum aſſenſu dñor' ſpiritualium & tẽpo-
ralium, ac communitatis in eod' Parliamento congregat', necnõ autho-
ritate eiuſd' inter alia adtunc ibid' inactit' exiſtit, Quod ſi aliquis ſeru',
cui ciuſd' Magiſter vel Magiſtra liberat' aliqua bona valor' 40. s. cuſt'
diſceſſerit cum bonis illis cum iuentione ad furandum vel retrahendũ
eadẽ, foret felonia, put per eund' actũ plene liquet. Quiquidem actus
poſtea per quendam alium actum in Parliament' dominæ Mariæ nup̃
reg. Angl' Apud Weſtm̃ p̃d' añ reg. ſui primo, tẽt', æditt', fuit repellat' et
annihilat', ac poſtea p quẽdã alium actũ in pliam̃to dñę Reg. nũc apud
Weſt. p̃d' anñ regñ ſui 5. tent', ędit', reuiuat', & adhuc in vigore exiſtit.

Ac etiam cum C.P. armig' secundo die S. anno regni dictæ dnæ reginæ nunc 15. apud G. in com M. præd', liberasset I.G. nuper de E. in Com M. præd' husbandman, adtunc seruient suo & non appren suo existen. & vlt ætat 18. annor quoddam brachiale auri, Angl a bracelet of gold valor 18.l &c. de bonis & catallis præd' C. pro eod C. saluo custod' Præd' tamen I.G. statut præd' minime ponderans, nec penam in eod' contentã verens, apud G. præd' in dict' com M. eod' secundo die S. añ 15. suprad' à præfat C. adtunc Magistr suo seipsum retraxit & cũ brachiali præd' felon discessit, ea intentione ad furand' brachiale præd', ad defraudand' præd' C. Magistrum suum de brachiali præd', confidenciã & confidentiam in eod' I. per præd' C. Magistrũ suum reposit, ac contra formã statuti præd' inter cæteros articulos quorum &c.

For converting Tillage into Pasture for Cowes, to the hurt of their neighbours.

IVratores pfent p dom' Regina, q H.W. de A. in com E. gener, primo die Nouemb. anno regni dict' dom nræ Elizab. Dei gratia, &c. Tricesimo quarto, seisitus existens in dominico suo vt de feodo, de & in 12. acr terr arabilis in A. præd' in com E. præd' iacentibus (ac de, aut in aliqua libera warrenna non existentibus, sed per spaciũ 4. annorũ dict' primum diem Nouemb. anno suprad' p̃cedentium, in cultur & seminationẽ granor vsitatis & applicatis) dicto primo die Nouemb. anno suprad', ac diuersis alijs diebus & vicibus, antea & post præd' 12. acr terr arabilis, a cultur præd' & sationẽ granor, vsq; in hunc diem p̃sentẽ, in pastur p cuniculis custodiendis conuertebat, & adhuc conuertit & custod'. Ad graue nocumentum I.R. R.T. & W.M. de A. præd in dict' com E. (vicinor ibid' existent) ac contra formã diuers statut in hmodi casu p̃uis. & edit. Sect. 208.

An Indictment against one, for suffring of three houses of husbandry to decay, and for putting out of the husbandmen, and converting of the land belonging to the same, from tillage to pasture.

INquiratur p domina Regina, Si I.K. nuper de T. in com E. gen, primo die Octobris, añ &c. seisit in dominico suo vt de feodo, de & in 8. mesuag' agricult in T. p̃dict' in dicto Com' E. in quibus septẽ seperales agricolæ (Anglice vocat husbandmen,) adtunc inhabitabant, ac de & in trecent acris terr arabil in T. prædict' in dicto Comitatu E. in cultura & seminatione granor vsitat & applicat adtunc existent, de quibus triginta acræ ad minus cum quolibet dictor mesuagior adtunc seperatim occupat & vsitat fuerunt. Et quod præd I.K. leges Sect. 209.

& statut huius regni Angl parui pendens, dicto primo die Octob' ann &c. supradicto, ac diuersis diebus, & vicibus, antea & postea, p proprio lucro & singulari cõmod suo, tres agricolas dictorum septem, de aribus de prædict' septem messuagijs adtunc expulit & amouit, & eas eria messuagia absq; aliquo inhabitant, sine aliquibus inhabitantibus in eisd', irreparat stare, & in decas. & ruinam cadere, adtunc & deinceps vsq; diem captionis huius inquisitionis voluntariè causauit & permisit. Insuper qd præd I.K. die & anno supradicto, ac diuersis diebus & vicibus antea & postea, cent acr prædictarum tricentarum acrarũ terræ arabil iacent & existent in T. prædict in com' E. prædict', cũ fossat & sepib' vius inculsit, & illas abinde ea cultura agriculturæ & seminatione granorum vsq; diem captionis huius inquisitionis in pastur, conuertebat & custodiebat, & adhuc conuertit & custodit, in malum & pernicioſum exemplum aliorum, ac contra form' diuers. statut in hmdi casu æditt & prouis. &c.

An Indictment against a Priest for his affirming that the Pope of Rome is supreame head of the Church of England, and against one as accessary for comforting of him therein.

Sect. 210. IVrat̃ presentarit pro domina Regina, qd I.S. de C. in com' E. Cleric', vicesimo die mensis Apr, anno regni serenissimæ dominæ Elizabeth. Dei gratia Angliæ, Franciæ, & Hyberniæ reginæ, fidei defensoris, &c. tricesimo quarto apud D. in comitatu E. prædicto, scient, considerat, malitiose, & directe palam in præsentia multor dictæ dominæ reginæ nostræ nunc subditorum, affirmauit, & defendit authoritatem Papæ Romani Ecclesiasticam in regno Angliæ præantea vsurpatam, his expressis verbis anglicanis sequentib', viz. **I sweare by the blessed Masse, and will auow that our holy father the Pope of Rome, is the supreame of the Church of England,** in magnam derogationem regiæ authoritatis, & prærogatiuæ dictę dom' reginæ nostræ, ac contra coronam & dignitatem suam, necnon contra formam diuersor statutor in hmdi casu æditorum & prouisorum. Et qd A.B. de D. prædict' in com' E. prædict' **Marchandler,** sciens ipsum I.S. dicta verba loquutum esse, ac dictam dicti Papæ authoritatem modo & forma vt præfertur, defendisse, ipsum I.S. apud D. predt, in dicto com E. postea scilicet 22. die dicti mensis A. anno supradicto, consolatus est & comfortauit, ex industria & ex proposito, & ad eam intentionem, vt idem A.B. promoueret & efferret præf. dicti Papæ authoritat vsurpatam, in pernitiosissimum aliorum exemplum, ac contra coronam, & dignitat dictæ dom Regin nræ nunc, ac etiam contra form diuersor statutor in eiusmodi casu p-uisorum & æditorum.

An Indictment against a Priest for practising to absolue and persuade a Widow woman from her obedience and subiection to the Queene, and to obey the authoritie of the See of Rome.

INquiſ̃ p̃ dñam Regiñ, ſi A. B. de C. in dicto com̃ E. clericus 6. die mẽſis Maij, anno reg. dict' dñinæ nr̃æ Eliz. dei gratia Ang. Franc', & Hiberñ Reginæ, fidei defenſoris, &c. Triceſimo quarto, apud C. p̃d̃ in com' E. p̃dicto voluntarie & proditorie, conatus eſt, & practicauit abſolnere, perſuadere, & ſeducere quandam I. W. de C. præd̃ in com̃ E. p̃dicto viduam a naturali obedientia & ſubiectiõ ſuæ quam ead̃ I. erga dict' dominam noſtram regiñ gerere debet, ad obediendum ſtatutis authoritati Sedis Romanæ, tunc & ibid̃, proditorie præ ſe ferens & aſſerens ſe habere poteſtatem & facultatem id faciendi, & tunc & ibid̃ proditorie dicens eidem Iohannæ his Anglic' verbis ſequentibus, **Mother Ioane you ſhall haue a blacke ſoule (I tell you) if you doe not the ſooner forſake the Queene** (innuendo præd' dominã nr̃ã reg. nunc) **and her hereſie, and yeld your ſelfe to the obedience of our mother Church, the holy ſee of Rome:** contra pac' dict' dominã noſtr̃ reginæ, coroñ, & regalem dignitat̃ ſuam, & contra form' ſtatuti in parliamento dictæ dominæ noſtræ reginæ tento apud Weſtm' in com' Midd̃, anno dicti regn' ſui viceſimo tertio, in hm̃di caſu prouiſ, & æditi. Sect. 211.

An Indictment against a Ieſuite, and against one for receiuing of him, vpon the ſtatute of An. 27. of Queene Eliz.

INquiſ̃ pro domina Regin', ſi E. C. nuper de S. in com' E. præd' Clericus, natus apud S. p̃d̃ in com' E p̃d̃ atq; infra annũ iam prox' preteritum fact' & profeſſus Ieſuita, p̃ authoritatem a ſede Romana deriuatam proditor̃ apud S. præd̃ in com' E. præd̃, 6. die Iulij, anñ reg. dict' dñæ nr̃æ Eliz. Dei gratia Angliæ, Franciæ, & Hiberniæ Regin' fidei defenſor̃, &c. Triceſimo quarto, a partibus tranſmarinis applicuit, & dicto 6. die anno ſupradicto, & nonnullis aliis diebus tunc proxime ſequentibus apud S. præd̃ in com' E. præd̃, proditorie moram fecit ac remanſit: contra formam cuiuſdam ſtatuti in parliamento dict' domin' Reg. noſtr̃ nunc tento apud Weſtm' in com' Midd̃ anno regni ſui viceſimo ſeptimo, in huiuſmodi caſu prouiſi, & editi, ac contra pacem dictæ dñæ reginæ, coronam, & dignitatem ſuas. Et ſi W. B. de S. præd̃ in dicto comitatu E. mercator, ſcienter, voluntarie, & felonice poſtea, ſcz. dicto, 6. die dicti menſis Iulij anno ſupradicto prædict' E. C. apud S. præd̃ in com' E. præd' receptauit & confortauit dicto W. B. adtunc & ibidem ad largum & extra priſonam exiſtente, ac præfat̃ E. C. Sect. 212. Receit.

huiusmodi Iesuitã esse, tunc & ibid sciente & cognoscente: Cont formã statuti præd' ac contra pac' Coron & dignitat dict' dnæ reg. nr̃æ.

For a trespasse in Corne, Grasse, and Plowing.

Sect. 213. INquir̃ p dnã regin̄, Si A.B. de C. in com' E. yeoman, 20. die mensis A. ann reg. dnæ nostr̃ Eliz. Dei gratia Angl', Franc', & Hiberñ regin̄, fidei defensor &c. Tricesimo quarto, quoddã clausum cuiusd I.S. apud C. præd' in com E. præd' (vulgariter voc' Cowleate,) vi & armis fregit ac intrauit, ac herbas & blada vitriceã ipsius I.S. tunc ibid' crescentia ad valentia 20. s.) cum quibusd bobus, & bibentibus ipsius A.B. tunc ibid' depastus est ac consumpsit, necnon solum & fundũ ipsius I.S. tunc ibid' cum quodam aratro subuertit, p q̃ præd' I.S. omne commodum & p̃fic̃uum dict' soli super longum tempus postea amisit. Ac alia damna & enormia præd' I.S. tunc ibid' intulit, ad graue damn̄ ipsius I.S. ac contra pac' dict' dnæ nostr̃ Reg. nunc, coron & dignitat suas.

For eating Corne with a flocke of sheepe.

Sect. 214. INquirat &c. si I.M. de M. in com' E. shepherd, 20. die M. Ann reg. &c. apud V. in com E. pred' vi & armis, viz. baculis, & cultellis clausum I.S. fregit, & blada ipsius I.S. viz. hordea & auenas in 30. acr̃ terr̃ tunc ibid' crescen cum grege ouium in custodia sua existen depastus fuit, conculcauit, & consumpsit, & alia enormia ei intulit ad graue damn̄ ipsius I.S. ac contr̃ pac' dict' &c.

For Trespasse in Fishgarths in the hands of diuers farmers, and for the taking of three Salmons.

Sect. 215. IVrat̃ psent̄ p dnã Reg. q̃ W.S. de B. in com' L. yeoman, I.W. de ead villa in com' L. præd' yeoman, & I.W. de T. in com L. p̃d yeoman, 8. die Martij, Ann &c. circa horam 4. post meridiem eiusd diei, in S. K. & B. in com' L. pred' vi & ar' &c. in quand pisc' voc' Fishgarths, tunc in tenura & occupat R.F.C.L. & I. firmar ibid dict' dnæ reg. intrauer & freger & tres Salmones ad valenc' 20. s. de bonis & catall p̃d R.F.C.L. & I.L. in pisc' pred ceperunt & abinde asportauer, contr̃ voluntat præ l' R.F. &c. ad graue damnum ipsor̃ R.F. &c. ac contr̃ pac' dict' dom' Reginæ nunc, &c.

An Indictment against one for taking aboue the rate of x.li. in the 100. li. for the lone thereof for one yeare.

Sect. 216. IVratores p domina Regina præsent̄, q̃ vbi A.B. de C. in comit E. quarter, primo die O. Anno regni dnæ nr̃æ Elizabethę, Dei gratia,

Angliæ

Angliæ, Franc', & Hibern Reg. fidei defensor &c. Tricesimo quarto apud C. præd' in dicto com E. mutuo dedisset, ac accommodasset cuidã D.E. de C. præd' in dicto com' E. Shomaker, summã 20.l in pecunijs numeratis de pecunijs dicti A.B. ea intentione, vt idẽ D.E. 20.li. eidẽ A.B. redderet & resolueret primo die Aprił tunc ꝓx' futur: Idẽ A.B. adtunc & ibid' ininste cepit & habuit premanibus de prenominato D.E. viginti sex solid in lucro, vsura, & ꝓficuo, ꝓ differendo & dand dict solutionis, sic vt prefertur, earundem 20.libr à dicto primo die O. Ann suprad' vsq; dictum 1.diem A. tunc ꝓx' sequent, qui quidem viginti sex solid' (modo & forma præd', præ manibus capti & habiti) multo excedunt & superant ratam & proportionem decem librarum ꝓ cent libr pro vno anno integro accommod ad damnũ non mediocre ipsius D.E. ac in contempt dict' dom' Reg. nunc, necnon cont form diuers. statut in hmdi casu prouis. & edit.

Another Indictment of the same effect vpon the statute of Anno 34. Hen. 8. in which the Statute is recited.

IVratores pro domina Regina present, qd cum ꝓ quendam actum in Parliamento dnæ Regin nunc apud West. in com' Midd 2. die A. anno regni sui tertio decimo, tent edit int alia inactit fuit, qd quidã actus in Parliament dñi H. nup reg. Ang' 8. apud West. præd anno regni sui xxxvij. tent edit ꝓ reformation vsuræ ab & post xxv. diem Iunij prox' sequen præd' secund diem A. anno regni dicti dom Regin nunc xiij. suprad reuiuat foret & staret in suo pleno robore, vigore & effectu, in quo quidem actu in Parliamento dicti nuper regis H.8. Ann regni sui 37. suprad tent', & edit', inactit' fuit authoritate eiusd pliamen, q nulla ꝑsona siue personæ, cuiuscunq; status, gradus, siue conditionis, ipse vel ipsi foret siue forent, ad aliquod tẽpus post vltimum diẽ Iañ in actu illo mencionat', per viã siue mediũ aliquar corruptar barganiæ, accommodationis, excambij cheuasancie, cautele, siue interesse, aliquar marchandizar, mercium, aut alicuius alius rei, siue aliquar aliarum rerum quarumcunq;, aut ꝓ aliquã aliam corupt siue deceptiuam viam, vel medium, aut ꝓ aliquã couinam, ingenium, siue deceptiuam viam, vel conueiãtiam, haberent, reciperent, acciperent, siue caperẽt, in lucro, vel proficuo, pro differendo seu dando diem solutionis vnius ann integri, de & ꝓ eius vel eorum denarijs vel alia re quæ foret debita ꝓ eijsd' mercibus, merchandisis, siue alia re vel rebus, vltra summ decem libr pro centum libris, & sic secundum ratam illam, & non vltra, de & pro maiore siue minore summa, seu ꝓ longiore siue breuiore tẽpore, & nõ plus siue maius lucrum vel summ inde habend, sub pœna forisfaciendi

Sect. 217.

endi & amittendi pro qualibet offens. triplum valorem mercium, mer-
chandizar, & alius rei vel rerum sic barganizat, vendit, exambiat, siue
accommodat, & ac etiam haberet & sufferet imprisonament corporis
sui, & faceret finem & redemption ad voluntatem dicti domini reg. de
qua quidem forisfactura triplicis valoris pred', vna medietas esset dict
dño Regi, & altera medietas illi vel illis qui pro eadem prosequer in
aliqua curiarum, dicti nuper Regis de recordo, in qua secta nulla, vadi-
atio legis, essonium, siue ꝓtectio allocaretur, prout in eodem statuto
de anno 27. dicti nuper Reg. H. 8. suprad plenius continetur: Cumque
etiam quidam R. B. de &c. post pd 2. diem A. anno 13. dictæ dom' reg.
nunc suprad, scil. 22. die D. anno regni eiusd' domin reg. 21. apud L. in
com' E. prad', accomodasset cuidam C. F. 4. l. idem R. B. statut prad
minime ponderans, nec pœnã in eod' content verens, adtunc & ibid
recepit & habuit de pfat C. F. in lucro & proficuo pro differendo &
dando diem solutionis earundem 4. l. ab eod' 22. die D. anno 21. su-
prad vsque 6. diem A. tunc prox' sequen viij. s. qui quidem viij. s. in
lucro & proficuo pro differendo & dando diem solutionis dictarũ 4. l.
a prad 22. die D. anno 21. suprad vsq; prad 6. diem A. extunc ꝓxim'
sequen, excedunt ratam x. l. pro 100. l. ꝑ vno anno integro cont form'
& effectum statuti prad, ad graue damn' ipsius C. F. &c.

An Indictment against one occupying a Plow land in the Parish, for not coming at the dayes appointed by the Surueyors of the Highwayes, to helpe to amend the Highwayes within the Parish.

Sect. 218. IVr ꝑ dña Reg. præsent, ꝙ vbi die Martis in septm P. iam vltimo pterito, scz. 7. die mensis A. anno regni dict' dom' nostrę Eliz. Dei gratia Ang. Fr. & Hyb. Reg. fidei defensoris &c. 34. A. B. tunc Constabularius villæ de C. in dict' com E. &c. & D. E. & F. G. tum gardiani Ecclesiæ parochialis de C. prad in com' E. prad existentes, vocatis ad se multis alijs parochianis dictæ parochiæ de C. tunc & ibid' eligerunt quosdam I. S. & R. N. duas honest' eiusdem parochiæ personas in superuisores pro anno integro tunc proxim' sequen, pro emendatione & reparat altarum regiarum viarum infra dict' parochiam de C. ducentium a villis mercatorijs ad villã mercatorias: Ac etiam tunc ibid nominauerunt & appunctauerunt sex dies, viz. 1. 2. 3. 4. 5. & 6. dies mensis Maij tunc proxim sequentis pro dicta emendatione dictarum viar, & nominat pro emendatione illius vię regiæ ibidem, quæ est inter &c. atque de eisdem sex diebus sic per eos vt prefertur, nominat, & appunctuatis dederunt palam postea (scz. die dominic' dict' Pasch. tunc ꝓx' sequent) publicam notitiam in dicta eccl pochiali. Quidem tamen T. W. tum & adtunc parochianus de C. prad in com E. prædict' existens,

exiſtens, ac tum habens & occup̃ in dicta paroch' de C. in comit E. p̃dict', vnam integram carucatam terræ arabilis (Anglic' dict' a plough-land) ad nullum dictor̃ 1. 2. 3. 4. 5. 6. dierum dicti menſis ann̄ ſuprad', prorſus inuenit aut miſit currum inſtructum (Anglice dict' a waine or cart furniſhed) equis, bobus, aut alijs animalibus, & neceſſarijs inſtrumentis, ſecund̃ morem patrię ibid': nec vllos habiles homines, erga emendationem & reparation̄ dictarum viarum, aut earum aliquã inde parcellam, ſed inde tunc ibidem voluntarie fecit defaltam, in dictæ dominæ reginæ contemptum, ac contra formam diuerſ. ſtatut̃ in hm̃di caſu prouiſ. & æditt̃.

An Indictment againſt a Towne for not keeping Watch according to the Statute of Wincheſter, Anno 13. Ed. 1.

IVratoꝛ pro dom' regina præſentant, quod a decimo die Iun̄, ann̄ reg' dictæ dn̄æ nr̄æ Eliz. Dei gratia Angliæ, &c. 35. vſque vltimam diem menſis Aug' ann̄ ſuprad', homines & inhabitantes villæ de C. in com' E. nullas vigilias a ſolis occaſu vſq; ad ſolis ortum, in dicta villa de C. in com' E. præd', per aliquot homines, fecerunt, aut cuſtod', prout de iure & antiqua conſuetudine huius regni Angliæ facere debent & ſolebant: In dict' dn̄æ regin̄ nunc contempt̃, ac contra form' cuiuſd' ſtatut̃ in parliamento dn̄i Ed. olim regis Angl' primi, apud Winton, ann̄ regniſui 13. tento, in hm̃di caſu prouiſi & ęditi. Sect. 219.

An Indictment againſt the inhabitants of a hundred, for not keeping ſea watch at Sandgate, according to the ſtatute of Anno 5. Ed. 4.

IVr̃ pro dom' regin̄ præſentant, qd vbi homin̄ & inhabitantes hundredi de F. in com' M. præd', antiquitus (viz. ante annũ regni domin̄ H. nuper regis Angliæ quarti quintum) quaſd' maritimas & minutas vigilias (Anglice voc' Sea watch) tempore belli per coſteram maris in quodam loco (vocato Sandgate) in dicto com' M. per quatuor homines ſingulis noctibus (a tempore in cuius contrarium memoria hominum tunc non exiſtebat) cuſtodire debebant & ſolebant: dicti tamẽ hundredi de F. homines & inhabitantes nũc, tempore nuper belli, viz. 24. die Iulij, anno regni dictæ dn̄æ nr̄æ Eliz. Dei gratia &c. 30. vſq; 34. diem dicti menſis, anno ſuprad', præd' vigilas apud Sandgate, p̃d', modo & forma pręd', facere & cuſtodire voluntarie prętermiſerunt & neglexerunt, ac in eiſdem vigilijs tunc ibidem (ſic vt prefertur faciendis ac cuſtod') voluntariam fecerunt defaltam: In dictæ dom' reginæ contempt̃, ac huius regni ſui Angliæ diſcrimen non modicum, ac contra formam ſtatuti in parliamento dicti domini Henrici nup regis Angliæ quart̃ tent̃, anno regni ſui quint̃ præd', in huiuſmodi caſu proniſi ac æditi. Sect. 220.

For

For killing a man by witchcraft upon the ſtatute of Anno. 5. *of the Queene.*

Sect. 221. IVrat preſent p domina Regina, q S.B. de C. in com H. vidua, x. die Aug', Ann regni dict' dom nræ Eliz. Dei gratia Angl &c. triceſimo quarto, ac diuerſis alijs diebus poſt dict' x. diem, quaſd artes deteſtand Angl voc' witchcraft and ſorcery, nequiter & felonice practicauit & exercuit apud C. præd', in com H. præd', in, ſuper, & contra quend I. N. de C. præd' in dicto Com H. Labozet, per quas quidem artes dict' I.N. à præd' x. die Aug. anno 34. ſuprad' vſq; 24. diem præd' méſis Aug. anno 34. ſuprad', periculoſiſſimè ac mortaliter egrotabat & lã-guebat. Ac eod' 24. die Auguſt. anno ſuprad' idem I. N. per artes præd in dicto com' H. obijt. Et ſic Iuratores præd' præſentant, q eadẽ Sara ipſum I.N. apud C. præd', modo & forma ſuprad, ex malit ſua pcogit, volunt, nequiter felon per artes præd', occidit ac interfecit, cont pac' dict' dom' Reginæ nræ, ac contra form ſtatuti in Parliamento dict' dom' Reg. nræ (tento apud Weſt. in com' Midd, anno regni ſui præd' quint) in hmdi caſu puiſi ac edit.

The like Indictment.

Sect. 222. INquir p domina reg. Si Marg' L. de A. in com E. Spinſter, 24. die Iun, anno reg. dnæ nræ Eliz. 15. ac diuerſis alijs diebus & vicibus, tã antea quam poſtea, Deum præ oculis ſuis non habens, ſed inſtigatione diabol ſeduct', quaſdam malas diabolas artes, Anglice voc' Witchcrafts, Inchantments, Charmes, and Sorceries, nequiter diabolic' & felon apud H. præd', in com E. præd', ex malitia ſua præcogit vſa fuit, practicauit, & exercuit, in & ſuper quendam W. N. prætextu cuius pd W. à præd' 24. die Iun anno ſuprad' vſq; 24. diem Dec' anno reg. dict' dnæ regin Eliz. &c. 35. præd' languebat, quo quidem 24. die Dec' ſuprad', præd' W. ratione practicationis & exercit diabolic' artiũ pred, apud H. præd' in com E. præd', obijt. Et ſic pd M. ipſũ W. apud H. pd in com E. pd modo & forma ſuprad, & ex malitia ſua precogit interf. contr pac' dict' dnæ reg. & contra form ſtatuti &c.

For bewitching a horſe, whereby he waſted and became worſe.

Sect. 223. INquir p domina Regina, Si Sara B. de C. in Com' Eb. vidua, 20. die Auguſt. anno regni dict' dnæ nræ Eliz. &c. 34. quaſdam artes nequiſſimas (Anglice vocatas Inchantments and charmes) apud C. præd in Comitatu Eb. prædicto, malitioſe, & diabolice, in, ſuper, & contra quẽdam equum, coloris albi, precij 4 l. de bonis & catallis cuiuſdam I. S. de C. præd' in dicto Comit E. gener exiſtentem, exercuit, & practi-

cauit,

cauit. Per qd idem equus dict' I.S. 20. die pred' apud C. pred omnino peioratus est & vastatus: contr pacem dict dom reg. & contr form stat in eiusmodi casu prouisi ac æditi.

For taking away of a widow, and marrying of her against her will contrarie to the statute of Anno 3. H. 7.

IVrat psent, pro domina Regina qd A.B. de C. in dict com B. Bingingman, 2. die Aprilis, Anno reg. dict dominæ nostræ Elizabethæ &c. 35. vi & armis in domum mansional. cuiusd H. B. de C. præd' in com E. pred' viduæ infra parochiam de C. predict' in com E. pred', intrauit, (quæquidem H. B. seisita fuit in dominico suo vt de feodo, de & in diuersis terris & tenementis in C. pred in com E. prædict', clari annui valoris 10. l. vltra omnes reprisas existentib') ac immediate postea, viz. dict 2. die April, anno suprad. idem A.B. pred' H.B. tunc ibid in dict doma sua in pace dei, ac dictæ Dom Regin existentem ex dicta domo sua mansionali contra voluntat ipsius H. B. illegitime ac felon extraxit, eripit, & abduxit, ac eadem H.B. postea (scz. 3. die dicti mensis Aprilis anno supradict) in Ecclesia parochiali de C. pred in com E. pred, cepit in vxorem suam: vbi idem A.B. dicto tempore extractionis & abductionis pred, non clamauit, nec clamare potuit, eandem H. B. tanquam Wardam suam, aut tanquam Natiuam suam: in magnam pacis dict dom Reg. nunc perturbation, ac contra form cuiusd Stat in Parliamento Dom Hen nup Reg. Angl septimi, tento, Ann reg. sui tertio, in hmdi casu prouis. ac æditi. Sect. 224.

An Indictment for Burglarie by night.

IVrat psent, p dom Reg qd E.D. nup de &c. 2. die I. &c. vi & armis, &c. domum mansional R. H. apud E. in Com præd' circiter horam vndecimam in nocte eiusd diei adtunc & ibidem felon & burglariter fregit contr pacem dict dom &c. Sect. 225.

An Indictment for stealing a Hog in a common.

IVrat psent, p domina Reg. qd F.B. de C. quarto &c. Febr &c. vi & armis &c. in quand commun intra nouam Forestam voc' H. intra perc' de C. in C. præd' fregit & intrauit, & vnum porcum color red speckled, precij 12. d. de bonis & catallis B.D. adtunc & ibid inuent felon cepit, & effugauit contra pacem dict' dom reg. &c. Sect. 226.

An

An Indictment for a wilfull escape of a Prisoner committed for felony to a Constable to be brought to the common Gaole, and a Knight who is no Iustice of peace commanded the said Constable to bring the Prisoner before him, by reason whereof the said prisoner did escape.

Sect. 227. IVrat̄ pręsent', pro dom' Regina qd cum I.D. nuper de &c. pro diuſis felonijs per ipſum ꝓpetrat' & ꝓ eiſdem felonijs corā A. B. arm̄ vno Iuſtic' dict' dn̄æ reg. ad pacem Conſtabulor̄ dict' dominæ reg' * conconcord̄ fuerit, & per eundem A.B. ſub Cuſtod̄ ꝑd conſtabular̄ pro felon̄ præd ad generalem gaolā dict' dn̄æ Reg. in com' præd' commiſ. fuit, ibid̄ ſaluo cuſtodiend̄ quouſq; ſecund' legem & conſuetud̄ huius regni Angl' deliberaretur. Et W.P. de &c. Miles non exiſten̄ Iuſtic' dict' dn̄e reg. ad pacem in com' præd' miſit & precipit quend̄ I.N. de &c. Conſtabular̄, &c. ad ducendum pręd' I.D. cor̄ ipſo.

An Indictment for ſtealing ſheepe.

Sect. 228. IVr̄ preſent' &c. qd A.B. &c. quarto die &c. vi et armis, viz. clauſum T.G. de &c. fregit & intrauit, & duas oues matrices coloris nigri ꝑcij 7, s. de bonis et catallis dict' T.G. felon̄ cepit, abduxit & aſportauit cōtra pacem &c.

An Indictment againſt one for breaking of a houſe, and murdring of one with a Cudgell in his bed, by priuitie and conſent of the wife of the murdred.

Sect. 229. IVr̄ ꝑſent' ꝙ &c. Ed. nup de E. &c. circa horā 12. in nocte eiuſd̄ diei, deū coram oculis non habens, ſed ex malitia ſua precogit̄, vi & ar̄, viz. &c. domū R.P. apud C. in com' pred' felon̄ & barglarit̄, fregit, & intrauit, & in pref. R.P. adtunc & ibid̄ nudū in lecto ſuo iacent̄, inſultum & affraiam fecit, et eum cum vno baculo valoris 12.d. voc' a Cudgell, eund̄ R.P. ſup caput ſuum vſq; ad cerebr̄, adtunc & ibid̄ felon̄ ꝑcuſſit, dans ei plagam mortal̄: de qua quidem plaga mortali idem R.P. adtūc & ibid̄ inſtant̄ moriebat̄. Et ſic idē E.L. eund̄ R.P. adtūc & ibid̄ interfecit & murdrauit cōtr̄ pac' dict' dom' reg. Et ꝙ quendā Agnes P. nup de &c. ſpinſter vxor pred' R.P. tertio die Iunij Añ. &c. ad diuerſ. diebus antea & poſtea eund̄ diē & ante felon̄ & murdrum pred' in form' præd̄ apud W. pręd' in C. præd' pref. E.L. ad felon̄ & murdr̄ ꝑd̄ fac' & ꝑpetrand̄ felon̄ ꝑcur̄ & abbet̄, contr̄ pac' dict' dom' reg. Et etiam qd ead̄ A.P. ſciens pref. Ed. felon̄ murdr̄ & ꝑd̄ in form̄ præd' feciſſe & ꝑpetraſſe E.L. præd' 3 die Iun. Añ &c. apud W. præd in C. præd' felon̄ receptauit & confort̄, contr̄ pac' dict' dn̄e reg.

An

An Indictment of Manſlaughter.

IVrat̃ p̃ſent̃,&c. ꝓ dom̃ Reg.qd A.B.&c.8.die I. vi et arm̃,viz.&c. in Iohañ P.apud B.præd̃ in pace Dei et dñæ reg.exiſt' inſultū et affraiã fecit cum manu ſua dextra p̃f I.P.in capite ſuo feloñ adtunc & ibid̃ p̃cuſſit,dans ei plagam mortal̃,de qua quidem plaga præd' I.P.adtunc et ibid̃ incontinenter obijt.Et ſic idem A.B. præf. I.B. adtunc & ibid̃ feloñ,interfecit & murdrauit,cont̃ pac' dict' dñæ reg. Sect. 230.

An Indictment for vſing more Arts than one, vpon the ſtatute of Anno 3. Ed. 3.

INquiratur pro domina Reg.quod cum in ſtat̃ in Parliamento dñi E. nup regis Angl̃ 3.poſt conqueſtū,añ reg.ſui 3.tent̃, inter cętera ordinat̃ ſit & ſtatut̃, Quod artificiar̃ & gentes occupationem habentes, & quilibet eorum ad ſuam artem ſeu occupationem ſe teneat, & quod nullus exerciat aliam artem ſeu occupat̃ niſi tamen eã q̃ elegit: Et ſi aliquis in contrar̃ fecerit p̃ impriſonam̃t̃ corpor̃ ſui p̃ ſpacium duorum añ puniatur & vlterius finé & redemptioñ dom̃ Reg. fac' ꝓut in eod̃ ſtat̃ plenius continet̃: Si A.B. de C. in com̃ N. Baker, alias dict' A. B. in com̃ N. præd' Miller, Stat̃ præd' minime ponderans nec pœnam in eod̃ ſtat̃ content̃ verens,à ſecundo die Iulij,añ reg.H.8.&c. vſq; quartum diẽ Apr̃ añ 23. dom' reg. ſuprad̃ tam artẽ molẽdinar̃ q̃ artẽ piſtor̃ panis humani apud C. præd̃,continue exercebat in dñi reg. contemptũ ac contr̃ form̃ ſtat̃ præd'. Sect. 231.

An Indictment for regrating of Corne.

INquirat̃ &c. ſi R.L. nup de T. in com̃ L. yeoman,& H.D. nup de N. in com' præd' yeoman, 20. die Iu. añ & c. apud B. et T. in com' præd̃ emerunt & regratauerunt de T.S.R.R. & alijs ligeis dom' reg. 50. quar̃ frumenti precij 25.ſ. cent̃ quar̃ hordei precij 24.ſ. & ad frum̃t & hord̃ in domib⁹ manſioñ ſuis vt regratores mercati dict' dñi reg. accumulauer̃ & cuſtodiuer̃ ea intentione vt frum̃t,hord̃,& alia grana ſub ſuis cuſtod̃ ad ſuum libitum exponere & vendere potuerunt, ob qd grana in mercat̃ & villis com' præd̃ multipliciter cariora & rariora forent in graue damnum populi dñi reg. ac contra formam ſtatuti in hm̃di caſu edit & prouiſ. &c. Sect. 232.

An

An Indictment for a robberie done by the high way vpon the person of one.

Sect. 233. IVr̄ presenī, &c. ꝙ vbi I. B. de L. gener' 13 die &c. an̄ &c. fuit in pace Dei & dict̄ dn̄i Regis in reg. via apud paroch' sancti E. in campis in com̄ M. ibid̄ eiusdem die & anno venerunt I. M. de D. in comitatu M. yeoman, & R. H. de ead̄ in com̄ p̄d̄ yeoman, laici hoēs & non infra sacros ordines subdiacon̄ nec vltra existen̄ felon̄ vt felones dict̄ dn̄i regis in pred̄ I. B. insultum fecerunt, & ipsum verberauer̄, vulnerauer̄ et maletractauer̄. Ita qd de vita eius desperabatur ac viginti solid̄ in pecun̄ numeratis de bonis & catall̄ ipsius I. B. adtunc & ibid̄ inuent̄ & existent̄ felon̄ ceper̄ & asport̄, contr̄ pac' dict̄ dn̄i reg. ac contr̄ form̄ stat̄ eiusdem dn̄i reg. anno regni sui 22. edit̄ & p̄uis.

An Indictment for Burglarie in a dwelling house, for putting the houshold in feare, and for the taking away of twenty pounds in money.

Sect. 234. INquirat̄, &c. si I. M. de D. in com̄ M. yeoman, laicus homo & non infra sacros ordines subdiacon̄ nec vltra existen̄ 12. die &c. Ann̄ &c. vi & armis, viz. gladijs, cultellis, & dagorijs domū et mansionū R. V. apud I. in dict̄ com̄ M. scituat̄ et existen̄ eod̄ R. V. et A. vxor̄ eius et alijs seruien̄ suis in eadē domo et mansorio adtunc et ibid̄ existen̄ felon̄ fregit et intranit, ac in timore corpor̄ posuit et viginti libr̄ in pecunijs numeratis de bonis, catall̄ et denarijs ipsius R. V. adtunc et ibid̄ inuent̄ felon̄ ceperit, spoliauit, & asport̄ cōtr̄ pac' dict̄ dom̄ regis, ac cont̄ form̄ stat̄ eiusd̄ dn̄i reg. ann̄ regni sui 23. ædit̄ & p̄uis.

An Inditment for Murder ex p̄pensa malitia fact.

Sect. 235. INquirat̄ p̄ dominо Rege, si I. D. in com̄ pred̄ yeoman, laicus homo &c. vi & armis, ac de sua malitia p̄cogitata in W. H. adtunc et ibid̄ in pace Dei & dn̄i reg. nunc existen̄ insultū fecit, et cum vno gladio precij 12. d. quem idem I. in manibus suis adtunc et ibid̄ tenuit p̄d̄. W. G. felon̄ p̄cussit, et dedit ei tunc & ibid̄ sup̄ caput suū vsq; cerebrū vnam plagam mortalem, de qua quidem plaga mortali idē W. H. adtunc & ibid̄ infanter moriebatur. Et sic idem I. D. pref. W. H. modo & forma præd̄ felon̄, interfecit & murdauit contr̄ pac' dict' dn̄i reg. coron̄ et dignitat̄ suam, et contra form̄ stat̄ de ann̄ 23. regis H. 8. nuper ædit̄ et prouis. &c.

An

An Indictment for robbing of a Church of diuers and ſeuerall things in the ſame.

INquiratur, &c. ſi I.M. nup de D. in com̃ M. et R.H. nuper de eadē villa et com̃ prædict' Yeomen, laici hom̃, & non infra ſacros ordin' ſubdiac' vel vltra exiſtent̃ 13 die Maij, anno, &c. vi et armis, viz. gladijs, bac' & cultellis Eccleſ. paroch' eiuſdē ſanct' de E. apud E. in com̃ prædict̃ circa hor̃ 12 in nocte eiuſdē diei fel̃ fregerūt et intrauerūt, & duas calices de argent̃ deaurat̃, et duo veſtiment̃ de nigr̃ veluet, voc' Copes, tres pānos lineos voc' Altar clothes, vnā tunic' fixā ſup imag' beatæ Mar̃ inſr̃ eādē eccleſiā cū diuerſis annulis de auro et lapid̃ pretioſis in eiſdē annex' & affigat̃ ad valenc' xxli. ac 20 s̃ in pecun' numerat̃ de bonis ornamētis, & den̄ parochian' de E. prædict' in cuſtod' I.B. & T.B. cuſtod' & gardian̄, bonor̃ ornamentor̃ & denar̃ parochian̄ parochiæ de E. prædict', et tūc & ibid' exiſten' extr̃ cuſtod' dictor̃ gardian' extra eccleſ. prædict' adtunc & ibid' felon̄ furati ſunt ceperūt & aſportauerūt contra pac' dicti dn̄i regis, ac cont̃ formā ſtatuti eiuſd' dn̄i regis an' regni ſui 23. ædit̃ & proniſ. Sect. 236.

An Indictmēt againſt one being a man of euill behauiour, for keeping of a blind Tauerne without a ſigne, and for receiuing and lodging of lewd perſons, and that his wife is a common ſcold.

INquiratur, &c. ſi I.S. nup de C. in com̃ N. Labourer, eſt homo malæ conuerſationis & gubernac' ac commun' barrectat̃ et pacis dom̃ regis perturbator. Et q̄ idem I.S. apud C. prædict' in com̃ prædict' cuſtodit, tenet, & occupat, quandā domum ſiue Tauernā non habent̃ vſuale ſignū aperte expoſit̃ vlgarit̃ dict' a blind Tauerne. Et q̄ primo die, &c. Ann̄, &c. necnon diuerſis diebus & noctibus antea & poſtea in eandem dom̃ diuerſos homines malæ conuerſation̄ et ſuſpect̃ venien̄ omnib' horis tam noctis q̄ diei recepit & hoſpitat̃ eſt per q̄ vicini ſui & alij ligei populi dicti domini regis ibid' multiplicit̃ vexantur, inquietantur, & grauantur, et miniſtri dom̃ regis, ppt̃ pacis conſeruac' officia ſua ibid' exercen' et exequen̄, phibent̃ et ſæpenumer̄ in periculo amiſſion' vitæ & læſion̄ corpor̃ ſuor̃ quotidie ponūt̃, Et q̄ I.S. vxor prædict̃ I.S. eſt commun' abiugatrix tā cū vicinis q̄ cū alijs ligeis populi dicti dn̄i reg', p q̄ multiplicit̃ moleſt̃ inquietant̃ et grauant̃ cont̃ pac' dicti dn̄i regis. Sect. 237.

An Indictment for ſelling Ale in veſſels called Kilderkins.

IVratores præſentant, quod I.R. de noua C. in Comit̃ A. pandoxator & A.I. de eadem C. prædict' Bēere ſeller, fuit communes pandoxa- Sect. 238.

tores in C. præd' & decimo die, &c. anno, &c. ac diuersis vicibus antea et postea vend' cerusiam, & cerusiã per diuersa vasa voc' kilderkins, tam magna quam parua contra formam statutorum ind' ædit ad graue damnum populi domini regis, &c.

An Indictment of a Priest for keeping of a Concubine.

Sect. 239. INquiratur pro domino Rege, si H.R. nuper de K. in Com W. Clericus primo die Decembr', anno regni Regis H. octaui 22. vi & armis, Deũ præ oculis suis non habens; nec legem Dei & dñi regis timens, et ordinem sacerdotalem nihil regardans, tanquã ribald' & luxuriosus & riotose sicut transgressor, malefactor, & pacis dñi regis perturbator irregularit & extra legis morẽ & honestã vitæ virtuosæ & sacerdotiæ dignitat seipso vtens apud K. pd in comit pd hospitium illicitum leuauit & custodiuit, occupauit, et quãdã A.B. mulierẽ defamat et stuprosã publ' et notor custodiuit, et habuit, & ipsam A.B. a præd' prim die Decembr, anno supradicto adtunc & ibidem continuand' & adhuc quotidie & nocturnatim manifeste & aperte custodiuit, occupauit, et habet in communi stupro le mocinum in maximum periculosum exemplũ aliorum malefactorum contra pacem dicti domini Regis, &c.

An Indictment for not comming to the Church, upon the Statute of Anno 1 Eli.

Sect. 240. IVratores pro domin' reg' presentant, qd cum per Stat in parliamẽto domin El. Dei gratia, &c. anno regni sui primo tent apud W. in Com M. int alia inactitat et ordin' existit, q post festũ S. Ioh. Bapt. ann regn dictæ dñæ reg' primo, omnis & omnimod' person & person' inhabitãt in hoc regno Angl vel alibi infra dominationẽ dictæ dñæ reginæ diligent & credulenter habentes nullam legalem seu rationabilem excusationẽ abesendi niterent semetipsos adire ad suam parochial' Eccl' vel capellã consuet vel super rationabil impedimt ad aliquem vsitat locũ vbi cõmunes pcationes & diuina seruitia dici vtent tẽpore talis impedimt sup quẽlibet die dnicũ & aliis diebus ordinat & vsitat obseruari durãt tẽpor coium pcat pdicationes aut alior diuinor seruitiorum vtend et ministrand sub pœn' punitionis p cẽsuras Ecclesiæ et etiam sub pœna q quælibet persona sic offendens forisfaciat p qualibet tali ostens. 12. denar leuand' p gardian' eccle. pochiat vbi tale offensum foret fact' ad vsum paupertũ inhabitan' eiusd' pochiæ de bonis, ter, & tenementis talis offendẽt, put in Statuto pd continet: Cũq, T.R. & D. in com præd ar et A. vxor eius existen' de poachia eccles. pochialis de T. præd' infr q quidem eccles. cõmunes præcac' et alia diuina seruitia in Statut

pred

præd ſpecificat poſt pred feſtũ Natiuitat S.Iohañ Baptiſtæ an.primo ſupradict' ſcz.dñica ꝓx' poſt feſtũ S. Mich' Archangeli Ann regñ &c. & 12.diebus dñicis tunc ꝓxim ſequeñ & octo alijs diebus feſtiualib' eaſd dies dñicas interuenient dicebant & vtebant præd' T. & A. non habentes legalem & rationabilẽ excuſation ſeu impediment abeſſend ab eccleſia pred' in dieb' pred' tempor pd cõmuniũ ꝓcation et diuinor ſeruicior ibid tunc dict' habit & miniſtrat non ſolũ non nitebãt ſemetipſos adire ad eccleſiam exiſtent eorum eccl conſuet in præd die dñica ꝓxim poſt feſtum S.Mich.Archangeli,ann reg.&c.ſupradict' & pd alijs 12.diebus dñicis tunc ꝓx' ſequeñ & pd alijs octo diebus feſtiualibus eaſd dies dñicas interuenient tempore pd communiũ ꝓcation et diuinor ſeruic' ibid in diebus illis dict' habit & miniſtrat, ſed etiam odentes & contennentes Euang' & ſalubre dei verbum, & dictã dñam reg.& leges ſuas ſeipſos voluntarie abſentauer & vterq; eorũ voluntar ſeipſum abſentauerit ab eccleſia pd die dominica, ꝓxim poſt feſtum Sancti Michaelis Archangeli anno &c. ſupradict', & præd' alijs duodecim diebus dñicis tunc ꝓx' ſequeñ,& pred' alijs octo diebus feſtiualibus eaſd duodecim dies dominicas interuenient tempor pd cõmuniũ ꝓcationum & diuinor ſeruitior ibid in diebus dict' habit & miniſtrat contra pac' & contempt dict' dominę regiñ nunc & legum ſuarũ, contra coron & dignitat ſuas ac contra form ſtatut præd' & in pernitioſum exemplum aliorũ malefact'.

An Indictment for periurie, committed in an anſwer in the Exchequer at Cheſter.

INrator preſent ꝓ domina Reg. q̃ cum I. D. de E. in com C. gen in Cur dñæ regiñ Scaccarij ſui Ceſtr corã R.comite Leic' camerar ſuo Ceſtriæ apud Ceſtr in com C. poſt duodecimã diem,& c. Anno &c. exhibuiſſet quandam billam petitionis verſus quendam R. W. nup de T.in com pred' Milner,de et ſuper iniuſt' recuperationem 36.s.debit p ipſum R.verſ. pd I.D. exiſten vad & pleg' cuiuſd W. H. in Cur maner ſiue dominij de H.infra ducat Lanc' & 4 s.8.d. cuſtag' circa eandem ſectam ibid iniuſte recuperat per dictum R. idem R. in reſpõſione ſua in dicta Curia Scaccarij pd ad petitionem pd ſup ſacrament ſuum capt dixit,affirmauit,& iurauit hæc verba Anglicana ſequeñ vel in effectu ſimilia. **And for non paiment of the reſidue of the ſumme of 47.s.being as it ſhould ſeeme by the ſaid Mailes owne confeſſion in the ſame anſwer, of the receit of 36.s.this defendant long after commenced his action of debt againſt the now plaintife in the free Court of H.** vbi dictus W. H.diu ante perſoluiſſet dict' R.ſumma 48.s. Ita quod nihil remanſit illo ſoluend: Et ſic præfat R.in faciendo & confirmand

falsum responsum præd', in ea parte præd', die M. anno &c. volunt & corrupt commisit voluntar piuriam in illo content & contr form statuti inde edit & puis. &c. ac contra pacem, &c.

An Indictment for fishing in a mill pond water, with hookes and other engines.

Sect. 242. INquir p dna reg. si T.W. de M. in com præd' Labozer, & H.I. de W. in com præd' Tailoz, &c. 14. die April, ann &c. ac diusis tepor ante pd die et postea apud H. pd in com præd vi et arm in vno stagno ibid voc' Milnepole libr tent R.D. gen cum hamis et alijs engen pisc' et diuersos pisc' ceper ad graue damn pred' R.D. ac contra pac' &c.

An indictment where one is indicted as principall acter, and one other for being present, and for abetting, procuring, and comforting of the murderer to do the same.

Sect. 243. INquir p dna reg. si I.G. alias G. nuper de &c. xv. die &c. apud H. in com præd' vi & armis, viz. baculis, &c. felon vt felo dict' dn reg. ac ex malit sua pcogit' in quend' I.O. alias D. apud H. pred' adtuc et ibid in pac' dei et dict' dn reg. exist' insult fecer. Et pred' I.G. alias G. q falcastr angl a forest bill, precij 4.d. q id I.G. in man suis tunc & ibid' tenebat dict' I.O. alias D. apud H. pred' ex malitia sua pcogit super sinistr partē capitis sui pcussit vsq; ad cerebr dās eid' I.O. alias D. vn plag' mortal, de qua quid' plaga mort pd I.O. à pd' xv. die Martij ann suprad' vsq; ad xxj. die eiusd Martij, an pd languid' iacebat, quo quid xxj. die Mar pd I.O. alias D. apud H. pd. obijt. Et sic pred' I.G. alias G. die & an pred' apud H. pred' ex malit sua precog' felon int fec' et murd cōtr pac' dict' dn reg. coron & dignit suas. Et q pred' W.G. alias G. die et an pred' apud H. felon pred' fuit presens et vt felo dict' dn reg. abett pcur & cōfort et cum pref. I.G. alias G. die et an præd' in form pd' fact' vi et arm ac cōtr pac' dict' dn reg. coron et dignit suas &c.

An Indictment of murder.

Sect. 244. INquir p dna reg. si T.H. nuper de E. in com Chestr Labozer, vicesimo die &c. circa hor sext post meridiem eiusd' diei apud T. pred' in com' præd', vt felo dict' dn reg. ex malitia sua precogit et de insult præmedit vi et armis quend R.B. nuper de T. pred' in com præd' yeoman, adtuc & ibid' in pace dei et dict' dom reg. exist' insult fec' et cum quod' baculo, angl voc' a pithed staffe, precij 4.d. q ipse in manib' suis adtunc et ibid tenuit præd' R.B. sup caput suu felon pcussit dās ei adtunc et ibid' vn plag' mortal longitud' duor polliciu in sinistra parte capitis sui vsq; ad cerebr, de qua quid' plaga mortal præt. R.B. languid iacebat vsq; ad &c. extunc p xim sequen: Quo quidem 19. die Ian. an &c. idem R.B. apud T. præd' in com præd' ex ipsa plaga ei dat modo

et

& forma p̄d̄ moriebat̄, et sic idē T.H. vt felo dict̄ dom' pred̄ R.B. fel' interfecit et murdr̄ cōt̄ pac' dict' dom' reg' cor' et dignit̄ suas.

An Indictment of Burglarie by a woman in the night time, putting the houshold in feare, intending to haue robbed them.

INquirat̄ p̄ dom' reg', si O.I. de G. in com' C. Spinster, sept̄ die Apr̄ Sect. 245.
ann̄ &c. apud C. pred̄ in com' p̄d̄ noct', viz. circa hor' vndec' post me-
rid̄ eiusd̄ die dom' cuiusd̄ I.B. apud C. p̄d̄ vi & ar', &c. felon̄ ac burglar̄
fregit et intrauit, ea intention̄ ad furād̄ bona & catal' ipsi' I. ac eund̄ I.
in pac' Dei et dict' dn̄æ reg' adtūc et ib' in lecto suo exist̄ fel' & burgl'
in timor̄ vit̄ suæ posuit cont̄ pac' dict' dom' reg' cor' et dign̄ suas.

An Indictment for trespasse done in a corne field.

IVratores præsentant, &c. q̄ W.C. nuper de T. in com̄ p̄d̄ labourer, T. Sect. 246.
P. &c. tertio die &c. anno, &c. vi & armis clausū I.N. apud S. in com'
p̄d̄ in quod̄ cāpo voc' S. field fregēr̄ et intrauer̄, & tres quartios fru-
menti ipsius I.W. ad valenc' trium libr̄ād̄ adtūc et ibid̄ crescēn cum
quibusd̄ bigis siue carucis equis & pedibus suis ambulānd̄ concultauer̄
& consumpser̄. Et alia enormia & intuler̄ contra pacē, &c.

An Indictment of manslaughter before the Coroner of the Verge, for the death of a man, vpon the view of the dead bodie.

INquisitio capt̄ apud W.L. in com' Surrey infra virgam 22 die Maij, Sect. 247.
Anno &c. corām T.W. gen̄ Coronator̄ hospitij dict̄ dominæ Reginæ
sup̄ visum corporis I.B. nuper de W.L. in com' Surrey Yeoman, ib' ia-
cen̄ mortui & interfecti per sacram' &c. Qui dicunt super sacram' suum
q̄ ita accidit q̄ 19 die Maij, ann̄ &c. apud Southwarke in comit̄ Surrey
infra virgā p̄d̄ I.B. veniebat in quendā campum ibid̄ voc' S. Georges
field circa horas 4 vel 5. post meridiem eiusdem diei, & q̄ postea dict̄
decimo nono die Maij, ann̄ &c. apud S. pred̄ in comitatu Surrey pred̄
infra virgā inter horas 5 et 6 post meridiem eiusd̄ dec' nono diei Maij
R.L. nuper de West. in com' Mid̄ alias dict' R.L. de W. in Com' Midd̄
Yeoman, veniebat et intrabat in campū p̄d̄ voc' &c. et ibid̄ videns &
percipiens dict' I.B. tunc esse in campo illo ambulabat in cāpo illo ver-
sus locū vbi pred̄ I.B. tunc ibidem fuit. Et pred̄ I.B. tunc et ibidē ia-
cens super terrā ac videns et precipiens dictum R.L. versus eum veni-
ent̄ a terra pred̄ ibid̄ surgit ac idem I.B. tūc et ibidē duos gladios voc'
Rapiers in manus suas, viz. in quamlibet manum vnum gladium. Et
tunc et ibidem R.L. cepit vnum gladium de ferro et calibi ad valenc'
quinque solid' ipsius R.L. in manum suam dextram, et vnum scutum in

manum ſuam ſiniſtrã, adtũc & ibidem idem A. & R. inſimul pugnauer̃ cum gladijs ſuis præd̃, & ſic pugnãs idẽ I. ipſũ R. tunc & ibid̃ ſuper ſiniſtr̃ tibiã dict' R. cũ vno gladior̃ ſuor̃ præd̃ voc' Rapiers percuſſit & vuler̃, virtute cuius præd̃ R. ad terrã ibid' cecidit. Ac poſtea dictus R. 19 die Maij an' præd̃ apud S. præd' in com̃ præd̃ infra virgã præd̃ ſubito ſurrexit & idẽ R. tunc et ibid' cepit glad' ſuũ præd' in manũ ſuam dextr̃ ac vi et armis, viz. cũ gladio ſuo præd̃ quẽ ipſe R. in manũ ſuã dextr̃ tũc & ibid' tenuit 19 die Maij, anno, &c. apud S. in com̃ S. præd̃ infr̃ virgã in p̃d̃ cãpo voc', &c. int̃ pręd̃ horas 5 et 6 poſt meridiẽ eiuſdẽ 19 die Maij, idẽ R. in ipſam I. B. tunc & ibid' exiſtẽ inſultũ fecit & tunc et ibid̃ cũ gladio illo quem ipſe idem R. tunc & ibidem in manu ſua dextra tenuit ipſum I. verberauit, ac gladium illum præd' R. tũc & ibid̃ felonice & voluntar̃ in corpus dicti I. percuſſit & impoſuit dãs eidẽ I. B. felonice & voluntarie cum gladio illo in ventre ſuo in et p̃ corpus et dorſum dict' I. vnã plag' mortalẽ profunditat̃ 14 polliciũ & latitudinis duor̃ polliciũ, de qua quidem plaga mortali idem I. apud W. L. in com̃ S. infr̃ virgã poſtea languebat a dicto 19 die Maij, anno &c. vſque 20 diẽ dicti menſis Maij tunc proxim̃ ſequen̄. Quo quidem 20 die Maij idem I. B. apud W. præd̃ in com̃ S. præd' infr̃ virgã int̃ horas 3 & 4. ante meridiem eiuſdem viceſimi diei dicti menſis Maij ann̄ &c. ex plaga mortali præd' obijt. Et ſic Iurat̃ pred' dicunt ſuper ſacr̃ ſuum, Quod dict' R. L. alias dict' &c. dicto 19 die Maij añ &c. apud S. præd̃ in com̃ præd̃ infra virgam vi et armis, viz. cum gladio præd' quẽ idem R. L. alias dict. R. L. in manu ſua dextra tunc & ibid' tenuit ipſum I. B. felonice & voluntarie percuſſit, interfecit & murdrauit modo et forma p̃d̃ contra pacẽ dictæ dom̃ regin̄, Coron̄, & dignitat̃ ſuas: Et ſic id̃ iurat̃ ſuper ſacr̃ ſuũ dicunt, q̃ præd̃ I. B. modo et forma præd̃ ad mort̃ ſuã deuen̄, et non alit̃ nec alio modo. Et q̃ bona cat̃ t̃r̃ et ten̄ idẽ R. tẽpore feloniæ et murdri præd̃ fact' habuit vel adhue habet, idẽ iur̃ pen̄ ignorant.

An Indictment where a felon ſuſpected for ſtealing two oxen is committed by a Iuſtice of peace vnto the gaole, and is deliuered to two to bee conueyed to the gaole, which ſuffer the felon wilfully to eſcape away.

Sect. 248. INquirat̃ &c. Qd cum quidam W. H. ar̃ vnus Iuſtic' pacis dicti Dom̃ reg' in com̃ præd̃ 20 die &c. circa horã 10 in nocte eiuſdẽ diei apud S. in com̃ p̃d̃, virtute officij ſui & literar̃ patent̃ dicti dom̃ reg' eid̃ W. direct', quendã I. nuper de, &c. adtunc et ibidem arreſtauit et attachiauit pro ſuſpitione feloniæ per ipm̃ I. ante fact' & perpetr̃, viz. pro duobus bob̃ coloris &c. precij &c. de bonis et catall' cuiuſd̃ R. I. per præd̃ I. felonice capt̃ & abduct'. Et poſtea eundẽ I. die, añ, hor̃, & loco

loco ſupradict' vt præd' eſt arreſtat' præd' W. H. adtunc & ibid' commiſit & liberauit ſaluo cuſtodiend' quibuſd' I. B. & R. D. nuper de &c. in com' &c. & ſpecialiter requiſit' fuerint ex parte dicti dom' Regis p̄ p̄f. W. H. ad ſaluo & ſecur' cuſtod' & conducend' ipſum I. B. vſq; gaol' ipſius dñi Regis com̄ p̄d' ibid' morat' quouſq; per debitam legis form̄ exoneret' & deliberet', præd' tamen I. & R. machinant' præd' I. in felon' ipſum fact' fauorabiliter ipſum I. a cuſtod' ſua præd' qui ſic detinebat' adtunc & ibid' felon' & voluntarie ad largum ſuū quo voluit felon' abire & euadere premiſer' contra pac' &c.

An Indictment where one is committed to priſon to a Seriant at Mace by the Bayliſes of a Towne, for reſiſtance, diſobeying, and diſturbing them for doing of their office, eſcapeth out of priſon, and goeth away out of the ſame.

INquiſ' &c. Quod cum quidam D. E. de &c. die Martij, viz. quinto die &c. apud P. in com' præd' cōmiſſus fuit per R. I. gen̄ vnum balliuor' villæ de P. præd', & H. L. gen̄ deputat' I. B. gen̄ ad' ballinor' ejuſd' villæ in gaola ſiue priſon' villæ præd' p̄ quibuſd' reſiſtenc', diſobedienc' & malefact' p̄ ipſum D. E. verſus ipſum R. balliuū in executiōn officij ſui virtute literar' dñi regis eid' R. direct', ibid' moratur' ſub ſalua cuſtod' M vnius ſeruient' ad clauē ad villā pręd' quouſq; præd' D. inde deliberat' & dimiſſus eſſet p̄ debitam legis form̄: ſi p̄f. D. circa horā 12. in nocte eiuſd' diei anno ſupradict' regn̄ Regis præd' priſon̄ in qua detent' fuit eiuſd' diei anno ſupradict' reg. regis præd' priſon̄ in qua detent' fuit vt præd' eſt adtunc & ibid' malitioſe & min' iuſte fregit & ab hm̄i priſon̄ ſine aliqua licencia euaſerit & eſcapuit contra form̄ ſtatuti dict' dñi regis æditt' & p̄uiſ. & contra pac' dict' dominæ reginæ &c. Sect. 249.

An Indictment of forcible entrie into a meſſuage, with the appurtenances, vpon the Statute of 8. H. 6. againſt diuers perſons wherein the Statute is not recited.

INquiſ' &c. Si A. B. & C. D. nuper de &c. aſſumptis & aſſociat' eis alijs malefactoribus & pacis dñi reg. p̄turbator' modo guerrin̄ arraiat' ad numerum 12. perſonar' quorum nomin̄ preſens Iurat' ignoratur decimo die &c. apud D. &c. vi & armis, viz. baculis, gladijs, cultellis, falcaſtris lapid' & alijs armis defenſiuis & inuaſiuis in vnum meſſuag' cum p̄tin̄ ſuper pacificam poſſeſſiōn T. P. intrauit & dict' P. a poſſeſſione ſua p̄d' expulerunt & diſſeiſiuerunt & eundem T. ſic expulſum & diſſeiſitum a præd' meſſuagio cum pertineñ vi & armis præd' ac manuforti extratenuer' & adhuc extratenent contra pac' dicti dñi reg. ac contr' formam ſtatuti domini Hen. nuper Reg. Angliæ 6. Anno regni ſui 8. inde æditt' & prouiſ. Sect. 250.

An Indictment vpon the statute of Anno 5. Eliz. against such as vse any mistery or occupation, not being an apprentice to the same for 7. yeares.

Sect. 251. IVratores presentant ꝑ domina Regina, ꝙ cum in Parliamẽt dom' reginæ nunc tenẽ apud Westm̃ 8. die Maij, Aũ regni sui 5. inter alia stabilitat̃ fuit, qd post primũ diẽ Maij tunc proxime sequent̃ non licet alicui personæ siue personis erigere, occupare, vti vel exercere aliquã artem mysteꝛ siue occupatioñ adtunc visitat̃ vel occupat̃ infra Reg. Angl̃ vel Walliæ si non educat̃ in eadẽ tanquam apprentic' ꝑ spaciũ septem annoꝝ ad minus, nec alicui personę opus tradere in hũdi mysterio, arte siue occupatione, si non ead' persona fuit apprentic' aũt tunc fuit exercit̃ in mysterio præd̃ tanquam apprentic' vt præd̃ est, sub pœna qd quælibet persona voluntarie offendens vel contrarium faciens forisfaciat pro qualibet tali defalta 40. s. pro quolibet mense prout in statut̃ præd̃ plenius liquet & apparet: quidam tamen I. S. statut̃ præd̃ ac pœnam in eodem content̃ minime verens siue ponderans non exist' apprentic' primo die Iulij, Anno quinto supradicto dñæ Regin̄ nostræ nunc contin̄ vsq; diem captionis huius inquisitionis scz. ꝑ quatuor mẽses apud A. in com̃ M. præd̃ occupauit vel exerciuit artem, mysterium, siue occupationem in dict' dñæ Reg. nunc contemptum ac cont̃ formã statuti prædict'.

An Indictment for a riotous and vnlawfull assembly, putting men in feare, and doing of Trespasse, and plowing in a close.

Sessio Pacis generalis domin̄ Regin̄ tenẽ apud Midd̃ in Comit̃ præd̃ die Martis, viz. quarto die &c. Anñ &c. coram H. C. milit̃ G. C. &c. aꝛ Iustic' Pacis in Com̃ præd̃.

Sect. 252. INquisit' capt̃ ibid̃ ꝑ Sacram̃ T. O. B. D. &c. Iurat̃. Qui super Sacram̃ suum inter alia present̃ ꝙ A. B. nuper de H. in com̃ C. yeoman, E. D. &c. 22. die &c. Anno &c. vi & armis apud N. in com̃ prędict' riotose seipsos assemblantes & associantes adtunc & ibidem riotose quoddam clausum vocat̃ &c. cuiusdam R. C. armig' fregerũ & intrauerũ ac seruien̄, & tenentes ipsius R. C. adtunc & ibid̃ in clauso in opere faciend̃ ipsius R. C. existen̄ minaciter minat̃ & timerent̃ ac herbã ipsius R. C. adtunc & ibid' crescen̄ cum quibusdã aueriis non solũ depast' fuer̃ conculcauerunt & consumpserunt, sed etiam præd̃ clausum cum bobus & aratro arrauerunt & subuerterunt & alia enormia ꝑf. R. C. fecerunt in dict' dñæ regin̄ contempt̃ manifestum & ipsius R. C. damn̄ non modicum & grauamen, ac contra pac' dict' dñæ reginæ.

An

An Indictment of a Priest for saying of Masse in the Vestry of a Church.

INquir̃ p̃ domina Regina, si G.O. nuper vicari' de W. in p̃tibus de L. in com̃ præd' Clericus 16. die Martij mane in aurora eiusd̃ diei an̄ regni Eliz. &c. sexto apud W. præd', in quodam loco voc' the vestrie house, iuxta eccles̃iã Parochialẽ de W. præd' volunt̃ vsus fuit priuatim rito ritu, ceremonia, & forma celebrationis Cœn̄ dn̄æ voc' the Lords supper, quam in quodã intitulat̃ libr̃ communis precationis & administratioñ Sacramentor̃ & aliorũ rituum & ceremoniar̃ Eccles̃iæ Anglican̄, auctorizat̃ p̃ actus Parliament̃ tent̃ in annis 5. & 6. dñi Reg. Edw. sexti nuper Regis Angliæ declar̃ & mentionat̃ exist̃it, viz. dicend' & celebrand' vnam priuatam Miss̃am, contra formam statuti. Sect. 253.

An Indictment for moving the duke of Somerset and other subiects to rebellion against the King, and to take and imprison the Duke of Northumberland, the Marquesse of North. and the Earle of Pembroke being of the K. Priuie Councell.

INquir̃ &c. Q. T.A. nup̃ de L. Miles deum præ oculis non habens sed inst̃igatione diabolica seduct' anno regni Edw. 6. &c. 5. & diuersis dieb⁹ & vicibus antea & postea apud Sion in com̃ Middl̃ & apud diuersa alia loca in dict' com̃ Middl̃ felon̄ fact' dict' domini regis p̃ aperta verba p̃curauit mouit & inst̃igauit Edw. Ducẽ Somerset, ac quã plures alios subditos dict' dñi regis ad insurgendũ, & ad apertã rebellioñ & insurrectionẽ infra hoc reg' Angl̃ mouend̃ contra ipsum dom̃in̄ reg. & adtunc & ibid̃ felonice capiend̃ & imprisonand' prenobilẽ Iohañ ducem Northumb' tunc com̃ Warr̃, Will̃ Marchionẽ Northampt̃, & Will̃ comitẽ Pembroke adtunc Willhelm̃ Harbert, ipsisque Duce Northumb. Marchioñ & Comit̃ Pembr̃ de priuat̃ Consilijs dicti dñi regis adtunc existen̄ contra dicti dñi regis Coron̄ & dignitat̃ suas & contra form̃ statuti in hm̃di casu edit̃ & prouis. Sect. 254.

An Indictment of Extortion against an Escheator.

INquir̃ p̃ domina regin̄, si R.G. nuper de O. in com̃ War̃ die & ann̄, &c. colore officij Escheatoris in com̃ Leic' exegit̃ & extortione cepit apud H. in dict' com̃ L. de Griffino R. nouem modios tritic' ad valenc' 23. s. 4. d. de bonis & catallis dict' Griff. ad pernitiosum exemplũ alior̃ malefact' ad graue damnum ipsius G. & contr̃ form̃ diuersor̃ statut̃, &c. & contra pacem &c. Sect. 255.

An Indictment against one for publishing, that the Queene had two or three children by the Lord R.D.

IVr̃ &c. quod I. nuper de W. in com̃ pred' Labourer, Deum præ oculis non habens sed inst̃igatione diabolica seduct' quinto die &c. Anno Sect. 256.

&c.

&c. apud N. narrauit & publicauit de dicta dña regina nunc hæc falsa seditiosa & scandalosa verba Anglicana sequen, viz. That the Quéene hath had by the Lord innuéd K.D. pnobilis ordinis garterij Milit dominú D. two or three children, contra ligeanc' & debit' sua, in magnum scandalum & contempt' dict' dñæ reginæ nunc coroñ & dignitat' suas, & contra formam statuti &c.

An Indictment of one as a common Barretor, a stirrer vp of strife and contention, and a troubler of peace.

Sect. 257. INquir' p domina Regina, Si I.B. nuper de S. in com &c. yeoman, 25. die Maij Anno &c. apud S. præd' necnon diuersis diebus & temporibus tam antea quam postea fuit communis barrectat' & pacis perturbator ac diuersas lites cótumelias & discord' in diuersos dict' dñæ regin subdit' adtunc & ibid & alibi in com præd' iniuste mouebat, p-curabat, & excitabat, in dict' dñę regin, nunc contempt' & ad graue dánum populi dict' dñæ reginæ, necnon contra form diuers. statut', &c. ac contra pacem, &c.

An Indictment for clipping and filing of gold and siluer and vttering of the same.

Sect. 258. INquir' &c. Si E.D. de ciuit' Couentr' Cordiner, die & ann &c. ac diuersis diebus ant' & postea Ciuit' præd' 30. pec' auri voc' royals, ac 300. pecias argent' voc' groats, bon & legal' monetæ Angl' & cunagij dict' dñæ regin p lucri causa falso, felon & p̃ditorie totondit & filauit: Ita q̃ per tonsionem & filacionem illas quelibet pecia auri inde de xij. d. in suo debit pondere diminuebatur. Ac quelibet pecia argenti voc' groats, inde vno obulo in debito suo pondere diminuebatur, & monetam illã in form pred' tonsam & filat' diuersis ligeis dict' dñæ regin apud ciuitat' pred' in com' pręd' falso, felon & p̃ditor' exposuit & vtterauit contr' form statuti &c. ac contra pac' &c.

An Indictment for enclosing of 20. acres of pasture out of a common field, in the which all the inhabitants of L. haue vsed time out of mind to haue common of pasture for all manner of cattell.

Sect. 259. IVratores presentant &c. Quod Ed. C. nuper de L. in comitatu præd' generos. G. C. nuper de L. &c. decimo die &c. Anno &c. necnon diuersis diebus & vicibus tam antea quam postea, vi & armis, &c. xx. acr' pasturæ cum pertinentijs in L. prædict' in aperto communi campo ibid, in quibus omnes inhabitantes villæ prædict' a tempore cuius contrar' memoria hominum non existit, vsi fuerunt & consueuerunt habere communiam pasturæ pro omnibus animalibus suis omni tempore

pore anni imperpetuũ,cũ ſepibus & foſſatis incluſiuer,et eaſdẽ vingiñ acr̃ ſic incluſas a præd' 10 die Apr̃ ann̄ ſupr̃ vſq; diẽ capt̃ huius inquiſ. cuſtod̃ et adhuc cuſtod'in malũ & pernic' exemplũ alior̃ ligeorũ dict̃æ dom̄ Reg',et cont̃ form̄ diuerſ.Stat̃,&c. Ac contra pacẽ &c.

An Indictment of wilfull murder of a woman.

INquirat̃ &c.ſi T.L. nuper de W. in com̄ &c. Labourer, Deũ præ oculis ſuis non habens,ſed inſtigatione diabol̃ ſeduct' 30 die Apr̃ an̄ Regni El.&c.circa horã nonã eiuſdẽ diei vi et arm̄ apud W.præd' ex malitia ſua præcog' in quãdã Marg' T. adtunc et ibidem in pace Dei et dict̃æ dom̄ reg' exiſtẽ inſultum fecit et ipſam Mar.cum quodã baculo ad valenc',&c.quem idem Th.in manibus ſuis adtunc et ibidem tenuit, verberauit,& vulnerauit, et maletractauit.Ita q̃ præd' M. a præd̃ 30 die Apr̃ an̄ ſuprad' vſque ad quintum diem Maij tunc ꝓxim̄ ſequent̃ languebat̃,quo quidẽ quinto die Maij,an̄ ſuprad' præd̃ M.apud W. præd̃ de verberatione,vulneratione, & maletractatione præd' adtunc et ib' obijt.Et ſic præd̃ Th.præd̃ M.modo et forma præd̃,ſcz.apud W. p̃d̃ die et anno præd̃ felon̄ & voluntar̃ interfecit & murdrauit contra pacem,&c. Sect. 260.

An Indictment of murder, and the murtherers flying after the ſaid murder committed.

INquiratur pro dom' Reg',ſi T.B. Barbour nuper de C. in com̄ &c. die et anno, &c. vi et arm̄, &c. ex malitia ſua præcog' apud D. in com̄ præd̃ in quendam W. W. adtunc et ibidem in pace Dei et dict' dom' Reg' exiſtẽ inſultũ fecit et ipſum W. adtunc et ibidem exiſtent̃ verberauit,vulnerauit,& maletractauit,ac ipſum W.cum quodam baculo ad valenc',&c.quem idem T.B.adtunc et ibidem in manu ſua dextra tenebat præf. W. ſupra ſiniſtrã partẽ tibiæ ſuæ felonice percuſſit, dans ei plagam mortalem: Ob quã quidẽ plagã mort̃ præfat̃ W.a præd̃ viceſimo die,&c.anno &c.vſq; ad octauũ diẽ Iulij tunc ꝓxim̄ ſequent̃ languebat,et de eadẽ plaga mortali præd̃ W.&c.apud &c.præd̃ viceſ. die Iul.an̄ ſupr̃ moriebat̃.Et ſic præd' Th.B.præd̃ W. præd̃ 8 die Iulij an̄ ſupr̃ apud B.præd' fel̃ murdrauit et interfecit, contr̃ pac' dict̃ dom̄ Reg' &c.Et poſt feloniã et murdr̃ ſic per præf. Th.B. ibi fact', prædict̃ Th.B.ob eandem feloniam & murdrum præd̃ immediate fugiebat cõt̃ pac',&c. Sect. 261.

An

An Indictment of Riot, the riotors weaponed with diuers weapons, and armed with prinie coats for breaking and entring into a house, taking and spoyling of goods, beating and wounding of diuers in the house, breaking of a chest, and taking out of it six silner spoones, and taking, spoyling, and carrying away of oates out of a Barne.

Sect. 262. INquiratur, &c. si I.S. decimo die, &c. ann̄ &c. vi & armis, viz. bacul', gladijs, & cult' necn' tunicis priuatis & modo guerrino arraiat' apud W. in com̄ præd̄ domum cuiusd' Christopheri B. apud W. præd̄ in com̄ præd̄ riotose & manuforti fregerunt & intrauerunt, et in T.B. F.B. &c. adtūc et ib' inuent̄ in pace Dei et dict̄æ dom̄ reg' existen̄ insultum fecerunt et affraiā ibid̄ riotose fecerunt et ipsos T.F. &c. adtunc et ibid̄ in pace Dei et dict̄æ dn̄æ Reginæ inuent̄ existen̄ verberauer̄, vulnerauer̄ et maletractauer̄. Ita q; iqsi de vita ipsorum desperabantur, ac bona et catalla præd̄ C.B. ad val' 30 l. in domo sua præd̄ adtunc inuēt̄ riotose cepe̅r et spoliauerunt et asportauer̄, ac Cistas ipsi' C. in dom̄ sua præd̄ tunc existen̄ riotose fregerūt, et sex cocleār̄ argent̄ ad valenc' xl. s̄ de bonis et catallis ipsi' Christ. adtunc et ibid̄ inuent̄ riotose ceperūt et asport̄. Ac auenas ipsius C. tunc & ibid̄ in horreo suo inuent̄ riotose cepe̅r & spoliauer̄ et asport', Ac alia enormia ei intuler̄ in pernicios̄um exemp' ligeor̄ & subdit̄ dict̄æ dom̄ reg' ac cont̄ form' diuers. stat. &c. ac cōt̄ pacē̄, &c.

An Indictment for the counterfeiting of the Queenes Letters Pat. to beg, and taking the Queenes broad Seale from other letters patents, and putting it to the counterfeit letters patents.

Sect. 263. INquirāt̄ ꝑ domina regina, si I.D. nup de M. in com' &c. Deū p̄ oculis suis non habēs, sed instigac' diabolica seduct' die, &c. apud, &c. d̄ceptiue falso et ꝑditorie quasd' falsas lr̄as patent̄ script̄ de collect' deuotion̄ et charitāt̄ populor̄ ipsius dom' Reg' hunc tenorem contin̄, viz. **Elizabeth by the grace of God, &c.** Accum idē I. dict' falsas literas pat' sic vt premittitur contrafecisset, idē I. præd̄ die, &c. Ann̄ &c. apud M. p̄d̄ in com̄ p̄d̄ quoddam magnū sigillū dict̄æ dom̄ adtunc p̄antea annex' & legitim̄ appositū irripuit & accepit, & illud sigillum dictis falsis counterfactis literis deceptiue, falso et proditorie appos̄uit et annex' & easd̄ literas sigillo illo subtil̄ reclud' sigillauit. Et si magnum sigil̄ ib' et adtunc voluntarie & proditorie, contrafecit, falsificauit et fabricauit. Et idem I. postea scz. die, anno &c. apud M. in comitat' præd̄ ac diuersis alijs locis eiusdē com̄ diuersas denariorum summas diuersorum ligeorū dict̄æ dn̄æ Reginæ, virtute, et colore literarum pred̄ modo & forma predict̄ contrafact' & sigillāt̄ deceptiue, falso, & proditorie colligebat

ligebat habuit & recepit & ad vſum ſuum, ꝓpriũ conuertit in malũ & pnitioſũ exemplũ ligeoꝝ eiuſd̃ dom̃ Reg. ac cont̃ form̃ diuerſoꝝ ſtatut̃ in hm̃di caſu edit̃ & prouiſ. & contra pac' dict' dominæ Reginæ &c.

An Indictment for the ſtealing of two geldings.

INquiſ̃ &c. ſi G.W. nuper de W. in com̃ S. et R.B. nuper de W. præd̃ in com̃ p̃d̃ Laborer, vltimo die, &c. Anno &c. vi et armis &c. apud N. in dicto com̃ S vnum ſpadonem coloris gray p̃cij &c. Ac alium ſpadonem coloris &c. p̃cij, &c. de bonis & catallis cuiuſd̃ ignoti adtũc & ibid̃ inuent̃ feloñ furat̃ fuer̃, cepeꝝ, & abduxeꝝ contra pac', &c. Sect. 264.

An Indictment for robbing of a Gentleman by the high way.

IVr̃, &c. Quod vbi I.B. de L. gen̄ xiij die &c. Anno &c. fuit in pace dei & dict̨ dn̄æ Reg. in regia via apud paroch. S. Egidij in campis in com̃ Midd̃: ibi eodem die, & anno venerunt I.M. & R.H. nuper de, &c. feloñ vt felones dict' domiñ reg. & in p̃d̃ I.B. inſultum feceꝝ et ipſum verberaueꝝ, vulneraueꝝ, & maletractaueꝝ. Ita ꝙ de vita eius deſperabat̃ & xx. s. in pecunijs numerat̃ de bonis & catall̃ ipſi' I.B. ſup ipſũ I.B. adtũc et ibid̃ iuuent̃ & exiſten̄ feloñ ceper̃ & aſport̃, cont̃ pac', &c, ac cont̃ form̃ ſtatut̃ in anno dñi H. 8. 23, edit̃ & prouiſ. Sect. 265.

An Indictment for cutting of a purſe, and xx. s. in it.

INquiſ̃ &c. Si T.C. de &c. Laborer, die &c. vi et arm̃ &c. apud C. in com̃ &c. xx. s. in pecuñ numeꝝ in quad̃ crumeñ exiſten̄ de bonis et catall̃ cuiuſd̃ T.D. adtunc et ibid̃ inuent̃ a pſona p̃f. T.D. cum quod̃ cultell̃ ad valenc' &c. quẽ id̃ T.C. in man̄ ſua dext̃ adtunc et ibid' habuit et tenuit feloñ ſcidit furat̃ fuit cepit et aſport̃, cont̃ pac', &c. Sect. 266.

An Indictment for taking away of a womans ſeruant.

INquiſ̃ &c. Si W.K. de S. &c. die anno &c. loco &c. vi et arm̃, viz. gladijs et daggeꝝ quend̃ Iſab. K. ſeruient̃ R.Q. de F. in com̃ præd̃ Spinſter, in ſeruic' dict' Richardi exiſten̄ et retent̃ apud F. pred' cepit et abduxit die et ann̄ ſuprad̃, contra pacem dicti dñi regis nunc. Sect. 267.

An Indictment for breaking and entring into a houſe, and burning of it.

INquiratur &c. Si D.S. de K. in comit' pred̃ Laborer, tali die et anno &c. vi et armis &c. domum W.C. fregit et intrauit, et ex malit̃ ſua Sect. 268.

pre-

præcogitat, adtunc & ibidem existen dictam domũ felonice combussit contra pacem &c.

An Indictment for procuring a seruant to depart from his maſter, & for being a common procurer of ſeruants away from their ſeruices.

Sect. 269. INquiſ &c. ſi W.M. de N. in com̃ E. yeoman, die, anno, & loco [illegible] procuranit et exhortauit I.C. ſeruient̃ R.S. in ſeruitio ſuo ibid̃ exist' abire ab eodem ſeruitio, cuius quidem ꝓcurationis pretextu idẽ I. C. a ſeruitio R.S. tunc et ibid̃ receſſit: Et quod idem W.M. est communis procurator ſeruient̃ diuerſor̃ ligeor̃ domini regis, Ita quod ligei dom̃ regis de eiuſmod̃ ſeruient̃ ad negotia ſua perimplend̃ multiplic' grauat̃ exiſtunt, in dict' dñi regis contempt̃ & quamplurimum ligeor̃ dñi regis deteriorationem manifeſtam.

An Indictment for keeping of Hounds and Hunting, having not lands of the value of xl.s.

Sect. 270. INquiſ̃ &c. ſi I.W.T.P. de &c. non habens terr̃ neq; tenement̃ ad valenc' 40.s. vltra repriſ. tenent canes venaticos & leporarios et eiſdẽ vſi ſunt venari in diuerſis partibus iuxta C. viz. apud D. H. & alibi infra Hundred' de C. venati ſunt, ac lepores ac alia animalia veñ ceperunt contra pacem &c. ac contra formam ſtatuti &c.

An Indictment for robbing of a Church.

Sect. 271. INquiſ̃ &c. Si I.W. de &c. vi & armis &c. eccleſiam parochialem ſanct̃ Andr̃ Apoſtoli, apud S. in com̃ pręd̃ fregeꝛ & intraueꝛ, ac xx. d. in pecunijs numeratis de bonis & catallis parochianor̃ parochiæ præd̃ in cuſtod' W.F. & W.S. cuſtod' ſiue gardianorum bonorum & catal̃ parochianorum parochiæ præd̃ exiſtẽ adtunc & ibid̃ felonice furat̃ fuit cepit & aſportauit, contra pacem &c.

An Indictment of 2 Sheriſes of a City, for ſuffering of a priſoner committed to to them vpon ſuſpition of felony to eſcape.

Sect. 272. INquirat̃ &c. Quod cum Robertus I. nuper de ciuitate Couentrie in com̃ ciuit̃ præd̃ yeoman, oct' die Nouemb. anno reg. Elizab. &c. ꝑ ſuſpitione felon̄ per ipſum R.I. preantea fieri & perpetrari ſuppoſitum apud ciuit̃ ꝑdict' capt̃ & arreſtat̃ fuit: Idẽq; R.I. eiſd̃ die & an. apud ciuit̃ prædict' quibuſdam Iohanni S. de ciuitate prædict' Cotter & Willihel̃ P. de ciuitate prædict' Miner, vic' Ciuitat̃ præd̃, ac cuſtod' gaolæ dictæ dominæ reginꝛ infra ciuitat̃ illam, ob cauſam præd̃ tradit̃ fuit ſaluo & ſecur̃ cuſtod̃ quouſq; idem R.I. a cuſtod̃ illa ſecund̃ legem & conſuetud̃ regni Angliæ à priſona illa deliberat̃ foret, ſi ijdem I.S. & W.P. die & anno ſupradictis apud Ciuitat' pred' in comitatu

Ciui-

Ciuit̃ præd', R. I. ad largum & extra Gaolã et cust̃ præd̃ fel' et volunt̃ exire permiser̃, contra pacẽ dict̃æ dom̃ reginæ, &c.

An Indictment for ſtealing of Conies with nets, dogs, and ferrets.

INquir̃ &c. ſi I. W. die & añ &c. vi & armis, &c. clauſum cuiuſd' K. L. Sect. 273.
' &c. apud M. circa horã octauã in nocte freger̃ & intraver̃, et vnã cuniculã cũ retib⁹, canib⁹, et venarijs voc' Ferrets, adtũc et ibid̃ inuent̃ ceperũt et aſportaver̃, ad graue dãnũ &c. & contra pacẽ, &c.

An Indictment of a Keeper of a Gaole, for letting one committed to him vpon ſuſpition offelonie, eſcape out of priſon.

INquirat̃, &c. ꝙ cũ quidã I. B. de, &c. die et an', &c. ꝓ ſuſpic' cuiuſd̃ Sect. 274.
fel' ꝓ ipſũ infra vil' præd' ante tunc fieri et perpetrat̃ ſuppoſit̃, capt̃ et arreſtat̃ fuit apud villã præd', & eiſdẽ die et an' præd' I. B. cuidã T. R. de villa et com̃ præd' Yeoman, cuſtod̃ gaol' dicti dom̃ reg' in dict' vil' de L. præd' ꝓ ſuſpic' felon̄ præd' ſaluo & ſecur̃ cuſtod' tradit̃ fuit quouſq; idẽ I. B. a cuſtod' illa ſecund' legẽ et conſuet̃ regni Angliæ deliber̃ foret: Si idẽ T. R. die &c. anno ſuprad' apud villã præd' in com' pręd̃ I. B. ad largũ & extra gaol' præd' negligẽt volunt̃ & fec̃ exire & euadere permiſit, contr̃ pacẽ dictæ dom̃ reginæ, &c.

An Indictment for the ſtopping and turning of a water courſe in a towne, by reaſon whereof diuers mens lands be ſurrounded.

IVrator̃ preſentant, &c. Quod T. R. nuper de S. Yeoman, I. P. nuper de Sect. 275.
S. Yeoman, &c. primo die Ian' ann̄ regni dictæ dn̄æ reg' ſecund', necnon diuerſis alijs diebus et vic', tã antea q̃ poſtea apud S. præd', quẽdã aquæ curſum obſtupauit et diuertit, per ꝙ præd' aquæ curſus fluebat ſuper ſolũ et liberũ tenẽtũ quorundã &c. ad graue dãnũ ipſor̃, necnon oĩum tenen̄ villæ de S. præd', et in pernicioſũ exemplũ alior̃, ac contra formã ſtatut̃ &c. et contra pacẽ dictæ dominæ reginæ. &c.

An Indictment vpon the ſtatute of 8. H. 6. for a forcible entry into one road of land, and aſſaulting and beating of I. F. and keeping the ſame with force.

Sect. 276.

INquiratur pro domina Regina, Quod cum in Statuto in Parliamento Domini Henrici nuper Regis Angliæ ſexti poſt conqueſtum apud Weſtmonaſt. Anno regni ſui octauo tent̃, æditt̃, inter cętera continet̃, qd ſi aliqua perſona de aliquib⁹ terris ſiue tenement̃ manuſorti expulſa

ſit

fit vel diſseiſit̃ vel pacific' expellatur et poſtea manufort̃ extra teneat̃ vel alqd feoffam̃ vel diſcontinuat' inde poſt talem ingreſſum ſuum ad ius poſſeſſoris defraudand' vel tollend' aliquo modo fiat, habeat pars in hac parte grauat̃ verſus talem diſseiſitorem Aſſiſam nouæ diſseiſinæ vel breue d̃ tranſgr̃. Et ſi pars grauat̃ per Aſſiſam vel per actionẽ tranſgreſſionis recuperet per veredict' vel alio quocunque modo per debit̃ legis formã inueniat̃ q̃ pars defendens vi ingreſſus fuerit, vel dicta tenementa per vim poſt ingreſſũ ſuã tenuerit, recuperaret querens dãna ſua ad triplũ verſus defendentes. Et vlterius finem & redemptionem dñæ reginæ fac' ꝓut in eodem ſtatuto plenius continetur: Quidam tamen I.W. de W. in com' præd' Yeoman, E.H. I.L. et alij ſtatut̃ predict̃ minime ponderan', vij die Martij, anno, &c. vi et armis, viz. bacul' gladijs, et fuſtib' ſeipſos aſsemblauerunt, congregauerunt, et coadunauer̃. Et ſic aſsemblat̃, congregat̃, et coadunat̃ exiſten' modo guerrino arriat̃ riotoſe et illicite in vnã rodam terræ liberi tenementi cuiuſdam G.B. gener̃ apud W. in quodam loco vocat̃ Catmore pale in comitat̃ præd' ingreſſi fuerunt. Et in quoſdam I.F. et I.W. adtunc et ibidem inſult̃ et affraiam fecerunt, verberaueruur, & maletractauerunt, et ipſum G.B. d̃ eadẽ roda terræ manuforti expulerunt. Et ipſum G.B. ſic expulſum inde manuforti extratenuerunt et adhuc extratenent in dict̃æ dom' Reg' nunc contemptum & ipſius G. graue damnum, ac contra formã ſtatuti præd'. Et contra pacem dict̃æ dominæ reginæ, &c.

An Indictment for murdering of a manchild newly borne, which is murthered by the mother.

Sect. 277. INquiratur ꝓ dña reg', Si E.B. nup̃ de T. in com' &c. ſpinſter, 29 die &c. An', &c. apud T. præd' adtunc et ibid̃ quendã infantẽ maſculinũ viuũ pepit. Et p̃ poſtea præd' E. apud T. præd' infantẽ viuum adtũc & ibid' cũ digitis ſuis ſuper caput ſuum dure tractand' per q̃ infãs præd' immediate moriebatur. Et ſic præd' E.B. infantẽ præd' die et ann' ſupr̃ felonice interfecit et murdrauit cont̃ pacẽ dict̃æ dom' reg' nunc, &c.

An Indictment for hunting in a Parke paled, and for killing and carrying away of a Bucke and a Doe in the night time.

Sect. 278. IVrat̃ preſent̃ &c. qd cũ in Statut̃ in Parliamẽto dominæ reginæ nunc tent̃ apud W. Anno regni ſui quinto inter alia inactitat̃, ſtabilitat̃ & ordinat̃ exiſtit. Quod ſi aliqua perſona ſiue perſonę poſt feſtum Pẽtecoſtes Anno 5 ſupradicto in die vel in nocte, iniuſte vel illicite fregerit, fregerunt vel intrauerunt in aliquod parcum impalatum vel ſepibus incluſum ad ſeruand' vel ſuſtentan' ferat̃, vſitat̃, & ibidẽ iniuſtè venatur

venatum vel venantur, ceperit aut ceperint, occiderit aut occiderint, aliquas feras infra aliqd hundi parcum impalat vel solum inclusum & pro feris vsitat modo et forma pred' et inde debito modo conuictus fuerit aut fuer ad sectam dicte dñe Reg. vel partis in hac parte grauat. Qd tunc ead persona siue person sic inde conuict' pcen corpor siue corpor suorum p imprisonament subeat et subeant p spaciu 3. mensium, & reddat & reddant, soluat & soluant parti grauat damna sua ad triplu. Et post pd tres menses complet inueniat et inueniant sufficient securitatem p sua vel suis bene gestur & gestur p spac' 7. annor tunc pxim sequend' erga dict' domin Reg. hæred et successor et cunctu popul suum, aut remanebit siue remanebunt et continuabunt semper in prison sine ballida vel manucapt donec ille vel illi delinquen poterit vel potetint & inuenerint, tres tales sufficientes securitates durante termin 7. annor vt supradictu est p ut in statut pred' plenius continetur: Quidam tamen W. W.T.M. &c. de &c. statut præd' minime ponderant post præd test. P. scz. 3. die Iunij anno &c. circa horam 1. in nocte eiusd diei vi et armis, &c. parcum impalat et p feris vsitat cuiusd I. S. ar vocat' Hopwell Parke apud Hopwell in Com pred' fregerunt et intrauer, et vnum damam masculinum et vnam Damam femalem adtunc et ibm in eodem parco inuent & existen ceperunt, interfecerunt et asportauer, contra formam statuti præd' &c. contra pacem, &c.

An Indictment of Burglary, for breaking of a dwelling house in the night time to the intent to haue robbed the said house, and for beating and putting in feare diuers in the same house.

INquirat pro dña Reg. si I. P. nup de &c. 20. die &c. vi et armis &c. circa horam 10. in nocte eiusd diei domum mansional cuiusd D.B. de L. pred' in Com præd H. apud L. pred ea intention ad spoliand eund D. de bonis et catall suis in ead existen felon & burglar fregit et intrauit, et eund D. & quendam I.B. filium pred' D. et E. vxor eius in domo pd in pace Dei & dict' dñe Reg. adtunc & ibid' existen verber, vulner, & maletract auit, & in corporali timore & maxim metu & periculo vitar suarum adtunc & ibid' posuit, contra pacem, &c. Sect. 279.

An Indictment of Burglary, for breaking of a dwelling house in the night time, and the putting of them in the house in feare, and for the felonious taking out of the said house 100. li. in money, and a Chalice of Silver parcell gilt.

INquirat pro dña Regina, si T.W. de B. in Com &c. sexto die &c. Anno &c. circa horam primam in nocte eiusdem diei domum mansionalem Sect. 280.

sionalem cuiusdam I.B apud W. in com' pred' felon et burglar fregit & intrauit ac ipsum I.B. adtunc et ibid' in eadem domo mansionali in corpor timore posuit ac mille & centum libr legalis monetæ Angliæ in pecunijs numerat et vnã calicem argent parcel aurat voc' a challice of siluer parcell gilt, ad valenc' 4. l. de denarijs & de bonis & catallis I. B. in eadem domo mansionali adtunc et ibidem inuent felonice cepit et asportauit contra pac' dict dñæ reg, coron & dignitat suas.

An Indictment for breaking of a barne, and taking out of it foure bushels of Barley.

Sect. 281. INquir &c. si I.S. &c. hor cuiusd I.C. de Sutton magn in com pred' adtunc & ibid' burglar fregit & intrauit, & quatuor modios hordei Ang' voc' a quarter of barley, ad valenc' 6.s. 4.d. de bonis & catallis pred'ict' I.C. adtunc & ibid' inuent burglariter & felon cepit, abduxit, & asportauit, contra pac', &c.

An Indictment for breaking of a Milne, and taking out of the same a sacke and six bushels of Wheat.

Sect. 282. INquir &c. si I.S. &c. vi & armis domum molendin W. H. apud C. in poch' de D. in com pred' voc' Clarke mil, burglar fregit & intraut et vnũ saccũ pcij &c. et sex modios tritici voc' 6. bushels of wheat, in sac' ibid' existen pcij 20.s. de bonis & catallis pred' W. H. adtunc et ibid' inuent die, an & loco suprad' felon cepit & asport cont pac' &c.

An Indictment for the felonious taking of six paire of sheets, twelue diaper napkins, and one ring of gold.

Sect. 283. INquir &c. si I.B. vi et armis 6. paria linthearum voc' Sheets, ad valenc' xl.s. 12. mappas de diaper voc' table napkins, ad valenc' xl.s vnũ annulũ de auro cuiusd I.S. apud H. pdict' dict' die et anno adtunc & ibid' inuent felonice cepit & asportauit contra pac', &c.

An Indictment for the felonious taking of a cup of siluer parcell gilt in the isle of V.

Sect. 284. INquir si I.S. et armis vnã Cypham argent parcel aurat Angl vocat a cup of siluer parcell gilt, ad valenc' 4. l. de bonis et catallis E. W. apud M. infra insulam V. in com' præd' adtunc et ibidem inuent felon cepit et asportauit contra pacem, &c.

An Indictment for receiuing, ayding, and comforting of a felon knowing him to haue done a felony.

Sect. 285. INquir &c. si R.S. sciens prefat I.R. felon pred' in form præd' feciss, & perpetrasse eund I. 20. die &c. anno &c. in comit' prædicto felon recepit auxiliatus fuit & confortauit contra pacem, &c.

An

An Indictment for ſtealing two Horſes of a mans vnknowne.

INquirat &c. ſi W.H. nup de F. in com pd &c. 1. equum coloris gray pcij, &c. & 1. equum color &c. pcij &c. de bon & catal cuiusd hominis ignoti die & anno supd felon cepit & abduxit cont pac' &c. Sect. 286.

An Indictment for aſſaulting and robbing of a man vpon the high way of a Gelding and his purſe, and 20. s. of money in it, and for the taking of two Mares found in the high way.

INquir &c. ſi I. I. &c. vi et al' in reg. via ducent a W. vſq; ad B. in com pred' in R. S. gen adtunc et ibid exist' in pace &c. inſult fecit et 1. ſpadon color nigri precij &c. et x. s. in pecun numer exist' in 1. purſa valor 1. d. exist' de bon & catal dict' R. S. apud B. pred' adtunc & ibid in reg. via inuent, felon cepit & abduxit, cont pac' &c. et 2. equas color &c. precij &c. de bonis et catal D. C. apud A. in com W. in reg. via ibid adtunc & ibid inuent cepit & abduxit, contr pac' &c. Sect. 287.

An Indictment for the robbing, beating, and wounding of one on the high-way, and taking from him 10. s.

INquir &c. ſi I. S. &c. vi & arm in quod loco ibid voc' the Abbotons croft, in via reg. ibid in A. B. inſult fecit & ipſi adtunc & ibid verber vulner et maletract' ita q de vita ſua deſper' et x. s. in pecun numer ſup pſon ipſius A. B. adtunc et ibid exist' de pecun bonis et catal pred A. B. adtunc et ibid inuent felon cepit & aſportauit contra pac. &c. Sect. 288.

An Indictment for aſſaulting of a woman, and feloniouſly taking from her 5 s. 4. d. in money.

INquir &c. ſi I. B. &c. vi et armis &c. in quand E. C. apud C. in Com pred' inſult fecit et 5. s. 4. d. a perſon ipſius E. adtunc et ibid inuent felon cepit et aſportauit, contra pacem &c. Sect. 289.

An Indictment for ſtealing out of a cloſe foure Sheepe.

INquir &c. ſi I. S. &c. vi et arm cl ſuum I. S. ſenioris gen apud B. in parochi de D. in com pred' fregit et intrauit, et 4. oues precij 5. s. de bonis et catal ipſius I. ibid inuent felon cepit & aſport, cont pac' &c. Sect. 290.

An Indictment for breaking of a houſe in the day time, and taking of 6. li. out of a cheſt, and againſt one for ayding and comforting the ſaid felon.

INquir &c. ſi R. C. die &c. domum P. S. apud G. in com pd circiter horam 1. poſt meridiem eiusd diei fregit et intrauit ac 6. l in pecun numer in quad ciſta adtunc et ibid exist' de bonis et catal pd P. S. apud C. in com pred adtunc & ibid inuent felonice cepit et aſport contra Sect. 291.

cont pac' &c. Ac si G.L. &c. sciens q; pf. R.B. felon pd modo et forma præd' sic fecisset apud E. præd' in com præd' die & anno supd felonice abbettauit, confortauit, & concelauit, contra pacem &c.

An Indictment of murther committed by the father upon his owne daughter with his fist.

Sect. 292. INquir' &c. si I.L. de &c. die et ann' &c. apud &c. in quod loco [redacted] T. in com' præd', vi & ar', &c. in quand A.L. filiam præd I. in pace Dei & dict' dnæ reg. exist', ex malitia sua pcogit insult fecit, verberauit, & maletract', ita q; de vita sua desperabat, ac præd' I. cum suis pugnis ad-
Sect. 287. tunc & ibid' felon sup corpus pcussit dans eid A. vnam plagam mortal de qua quid plaga ead A. incontinent adtunc & ibid obijt. Et sic præd I. præd A. adtunc & ibid felon interfecit & murdrauit, cont pac' &c.

An Indictment for the counterfeiting of Testers, and for the paying and vttering of them.

Sect. 293. IVr plent &c. q; H.P. hup de L. Vetuingman, die &c. anno &c. 40. pecias cunei argenti voc' Testers, de cuneo dict' dnæ Reg. et curren monet Angl, ad similitudinem et instar veri cunei Angl et monet dict' dnæ reg. apud Stanley Abbey præd in com præd' falso et pditorie fabric' et
Sect. 288. contrafecit, & diuersis ligeis dict' dne reg. die et ann supd apud S. pred in com pd, vt vera, Monet dict dnæ reg. falso exposuit vtterauit et soluit, cont form statut in hmdi casu edit, et cont pac' &c.

An Indictment for counterfeiting, making, and vttering of false money, viz. Sixepences made with coyning Irons, of false mettal.

Sect. 294. INquir' &c. si W.H. de &c. die et anno &c. apud &c. falso & pditor cuneis ferreis, voc' Coyning irons, cuneis dict' dnæ reg. viz. Serpentes, Angl Testers, ex falsis mettal' cotrafecit et cunauerit, ad similitud bone et public' Monet Angl attingen ad 5 s. et præd' falsam monet sic vt pref. pditor cuneat præd' die et loco, et in diuersis alijs locis in Com præd et diuersis diebus et vicibus ligeis dict' dnæ reg. ign pro bona monet felon & pditor exposuit & vtter, cont pac' &c. cont alleg' &c.

An Indictment for burning of a dwelling house, a barne, and a waine load of Barley in the same barne, and against one for comforting the said felon, after the felonie done.

Sect. 295. INquir' &c. si W.B. de &c. vi et armis, viz. baculis et cultellis quand domum mansional', ac vnum horr cuius W.T. necnon caruc' hordei in horreo pd exist', et contin ad valenc' 30. l. de bonis et catal' eiusd W. apud T. præd' in com præd', die & an præd' felon et voluntar ignauit, accendit, cremauit, & cu igne destruxit, cont pac' &c. et cot form

Statuti

Statuti inde ædit & puis. Ac si I.K. nuper &c. scientis pd W.B. felon pd in forma præd' sic facient dict' die & anno apud T. præd in com pd felon concelauit, procurauit & abbettauit contra pac' dom' reginæ. Accessorie.

An Indictment against two being prisoners, for breaking of the prison, and letting out two prisoners.

INquir &c. si B.C.F.G. nuper de &c. nuper arrestat, imprison & detent in gaola dict' dnæ reg. de &c. pro diuersis felon per ipsos seperatim perpetrat 8. die Feb. anno &c. vi & armis &c. pd gaolã dict dnæ reginæ de F. præd' in com præd apud &c. fregerũt & I.C. nup de &c. & I.S. prisonarios in ead' gaola existen adtunc et ibid' felon ad largum ire permiserunt contra pac' &c. ac contra form statut &c. Sect. 296.

An Indictment for breaking of prison by one committed for felonie.

INquir &c. si A.B. nuper &c. existen in prison dnæ reg. apud C. &c. pro diuersis felon vnde corã Iustic' pacis dictæ dnæ reg. in com' pred' ad Sessionem tent corã eisd Iustic' primo die &c. anno &c. felon ab gaola illa adtunc & ibid' translijt & felon euasit cont pac' &c. Sect. 297.

An Indictment grounded vpon a statute law, against one that keepeth Greyhounds, hounds, and ferrets, who may not dispend 40.s. per annum.

INquir &c. si A.B. nuper de &c. quod cum in pliam apud West' nup ædit inter alia continet, qd nullus Laborarius, artifex nec vllus alius laicus qui non habet terr et tenement ad valen xl. s. per ann, nec vllus cappellanus seu aliquis ali' Cleric' si ipse non habet benefic' ad valen' x.l per ãn proui. existit qd tunc imposter non haber seu custod' vllum canem leporar voc' a grey hound, vel canem venaticum voc a hound, seu alios canes pro venation, vteretur venar voc' ferrets, vel magnis retibus voc' Hayes, vel retibus hare pipes, aut alijs engenis quibuscuq; ad capiend' aut destruend feras, lepores, aut cuniculos sub pen imprison per vnum annum integr pro vt in act' Parliament præd plenius continetur: præd A.B. non habens terr & tenement ad valenc' xl.s. per ann leporar voc' Greyhounds, venatic' voc' hounds, & alios canes ad venand apud N. in com' pd' habet & custod', ac etiam venar voc' ferrets, vt supra die & an' apud N. in com' præd vsitur, ad capiend & distruend feras, lepores & cuniculos contra form statuti præd, vel in cõtempt dnæ reginæ nunc, et contra formam statuti præd' &c. Sect. 298.

An Indictment for stealing of foure oxen, and of the accessaries to the same felony before and after the same felony done.

INquir &c. si A.B. de F. in com N. yeoman, die & ãn &c. 4. boues pcij &c. de bonis & catall' I.S. de W. in com pred' inuent felon furat fuit cepit & abduxit. Et si W.B. de N. in com pd yeoman, die et anno &c. Sect. 299. Accessorie.

apud N. in com̃ pred̃ fuerunt consentientes & abbettañ prædict' A.B. ad felon̄ prædict' in forma prædict' faciend̄ contra pacem, &c. Et pur les accessaries apres in cest maner. Et si H.W. & P.R. nuper de, &c. sciẽ prædict' A.B. felon̄ præd̃ in forma præd̃ fecisse apud T. præd̃ & alibi in Com̃ præd̃, pred̃ 10 die, &c. eundem A.B, felon̄ receptauer, cont̃ pacem, &c.

An Indictment of wilfull murder.

Sect. 300. INquiratur, &c. si T.S. de D. in com̃ p̃d̃ yeoman, 20 die Iunij, ann̄, &c. vi & armis viz. gladijs, baculis, & cultellis in quend' W.P. de S. in cõ. p̃d̃ Sulb. in pace Dei et dict' dn̄æ reg. exist. ex malitia sua precogitat̃ apud L. in com̃ p̃d̃ insult fecit et cum quodã ense ad valenc' x. s̃ quem idẽ T. in manu dextra adtũc et ibm̃ habuit et tenuit p̃f. W. super dextrã part̃ capitis sui p̃cussit dansei plag' mortal', de qua quidẽ plag' p̃d̃ W. P. a 21 die Iun̄ vsque ad 12 die Dec' languebat & tunc de plaga præd̃ moriebat. Et q̃ præd' T. apud L. p̃d̃ ex malitia sua p̃cog' felon̄ & volũt̃ interfecit & murdrauit, contra pacem, &c.

An Indictment of Manslaughter against two, and against one other as accessarie to the same.

Sect. 301. INquiratur p̃ dña Regina, si A.B. de C. in com' D. yeoman, et W.F. de T. in Com̃ p̃d̃ Husbandman, 2 die, &c. in I.W. de C. in Com̃ p̃d̃ Labozer, apud L. p̃d̃ insult fecer̃ & ipsum I.W. adtũc & ibid̃ idẽ A. B. cũ quodã armicidio q̃ dict' A. B. in manu sua dextra tenuit in gutt̃ ipsi' I. felon̄ percussit, de quo ictu p̃d̃ I. interijt & moriebat. Et p̃d̃ W. F. cũ quadã tendite voc' a hedge Bill, quam ipse in manibus suis tunc tenuit ipsum I. adtunc et ibid̃ percussit & ipsum A.B. ad interficiend̄ & murd̃ p̃d̃ I. adtunc et ibidem felon̄ auxiliauit. Et sic A.B. præd' die an̄ et loco p̃d̃, præd' I.W. felon̄ murdr̃ et interfec': & q̃ H.VV. de P. in com̃ præd' gen̄ sciẽs præd' A.B. præd' fec̃ et murdrũ præd' in form̃ p̃d̃ fecisse apud L. & alibi in dict' com̃ decimo die, &c. eundẽ A.B. felon̄ recepit, contra pacem, &c.

Accessarie.

An Indictment of Trespasse for breaking and entring into a close.

Sect. 302. INquiratur p̃ dña Regina, si I.S. de N. in com̃ N. 10 die Iu. anno, &c. vi & armis &c. clausum A.B. de H. apud F. in com̃ pred' freg. et intrauit et herbã A.B. ad valenc' x. s̃ ibid' nup̃ crescen̄ cũ quibusd̃ auerijs depastat̃ fuit cõculcauit et cõsumpsit. Et alia enormia ei intulit ad grauẽ dãn̄ ipsi' R.G. et contra pac' dn̄æ Reg' Coron̄ et dignit̃ suas.

An Indictment for lying in wait to kill one, and for assaulting, beating, and wounding of him, and for entring into and breaking of his close.

INquir̃ p dña reg. si R. C. de B. in com̃ N. Labazer, 8. die &c. anñ &c. apud B. p̃d̃ iacuit insidijs ad interficiend̃ W. S. de T. in com̃ p̃d̃ Husbandman, & in ipsum adtunc insult̃ fecer̃, verber̃, vulnerauit, & maletract' ita q̃ de vita eius desperabat. Ac etiam si p̃d̃ G. & R. vxor̃ ei⁹ 30. die Octob. anñ sup̃d̃ clausum ipsius W. apud B. p̃d̃ freger̃ & intrauer̃ & herbam suam ad valenc' &c. ibid' crescen̄ cum quibusd̃ aũijs depastũ fuer̃ conculcauer̃ & consumpser̃ cont̃ pac' &c. Sect. 303.

An Indictment of Trespasse for breaking and entring into a close, and cutting downe Ashes in the said close.

INquir̃ p dña reg. si A. B. de C. in com̃ L. Clericus & W. D. de ead̃ villa & com̃ Clericus 4. die Augusti anno &c. clausum A. B. de M. in com̃ p̃d̃ freger̃ & intrauer̃ & fraxinos ipsi⁹ A. B. ibid' crescen̄ ad valenc' 40. s. succider̃ & asport̃ ad graue damñ &c. ac cont̃ pac' &c. Sect. 304.

An Indictment for a Riot committed by many vpon two, and for beating and wounding of them, vpon the Statute of Anno 2. R. 2. cap. 7.

INquir̃ p dña reg. si A. B. nuper de M. in com̃ M. yeoman, aggregatis sibi quamplurib⁹ malefactor̃ & pacis dñæ reg. pturbator̃ ignot̃ ad numer̃ &c. modo guerrino arraiat̃ 6. die Iunij anno &c. apud S. in com' præd̃ riotose & routose se illicite congregauer̃ & coadunauer̃ & tunc & ibid' in R. W. & W. P. ipsos interficiend̃ insult̃ fecer̃, & ipsos R. & W. tunc & ibid̃ verber̃ vulner̃ & maletract', per q̃ de vita sua desperabatur cont̃ pac' dñæ reg. &c. Sect. 305.

An Indictment against two for assaulting of one, and for taking of foure Kine from him that he had taken damage fesant in his land, and was carrying them to the pound.

INquir̃ p dña reg. si I. L. de B. in com̃ S. yeoman, & I. S. nup̃ de ead̃ villa in com̃ p̃d̃ 15. die &c. apud B. p̃d̃ vi & arm̃ in & sup̃ I. D. insult̃ fecer̃ & adtunc & ibid' 4. vaccas, quas in & sup̃ terr̃ suam damñ facien̄ cepisset & 2. consuetud̃ vill̃ p̃d̃ ibid̃ imparcari voluisset ab eod̃ I. G. riotose cepер̃ & ab inde cont̃ ei⁹ volũtat̃ abduxer̃ cont̃ pac' dñæ reg. &c Sect. 306.

An Indictment for a rescous made against the Sheriffes Bailifes, of one by them arrested by force of the Queenes Writ: and for the taking away and detaining of the said Writ.

INquir̃ p dña reg. si R. W. de D. in Com' L. die &c. anno &c. apud D. p̃d̃ in com̃ p̃d̃ vi & arm̃, &c. & in & sup̃ B. C. & I. H. ballin. itine- Sect. 307.

rant T.vic' I.reſcuſſum fecerunt & quend T. T. quē p̄d B. C. et I. H. virtute breuis dict' dn̄æ reg. p̄d vic' direct' cepiſſet et attachiat' fuiſſet ab eiſd B.B.& I.H.& extra eor cuſtod ceperint: & etiam breue p̄d ab eiſd balliuis itineran cuſtodiuit & ditinuit & adhuc detinet in malum exempl' tot' populi dn̄æ reg. ibid̄ ꝑpe commorantis ac cont pac' &c.

An Indictment of manſlaughter, committed by two, and one as acceſſarie after the manſlaughter done.

Sect. 308. INquiſ' ꝑ dn̄a reg. ſi S.W. de L. in com̄ B. fabricar' et W. S. de C. in com̄ præd' Yeoman, 1. die Aprił anno reg. Eliz. &c. 6. in A.B. de C. in com̄ præd̄ operarium apud C. præd̄ inſult fecer', & ipſum A.B. adtunc & ibid̄ idem S.W. cum quod gladio quem dict' A. in manu ſua dext' tenuit in collo ipſius I. percuſſit, de quo ictu p̄d I. interijt ac moriebatur. Ac idem S.W. cund A.B. inuen cū dicto gladio adtunc & ibid' grauit vulner: de quib' quid vulneribus et ictibus idem I. interijſſet ſi non interijſſet de præd̄ vulnere in collo percuſſ. Et præd̄ W.S. cū quad tendite voc' a Fozell Bill, quam ipſe in manibus ſuis tenuit ipſum I. adtunc & ibid̄ percuſſit & ipſum W.S. ad interficiend̄ et murdrand̄ præd' I. adtunc & ibid' felon auxiliauit: Ac ſic S.W. præd' I. die ann̄ & loco præd' felon murdrauit & interfecit: Et præd' L.B. nuper de &c. in com' &c. gen̄ ſciens præd' S.W. felon et murdr̄ præd' in modo et form̄ præd̄ fic fecifſe apud E. et alibi in dicto com' 10. die &c. cund A.B. felon recepit contr̄ pac' dom' Reginæ coron̄ & dignitat' ſuas.

Acceſſorie.

An Indictment againſt two for hearing of theſe words ſpoken by one, videlicet, A vengeance on the Queene, and of ſuch falſe Councell. *And then declaring of the ſame to the Shierife of the Shire.*

Sect. 309. INquiſ' ꝑ dn̄a reg. ſi W.I. de S. in com' N. Clericus, die &c. apud W. præd' deum præ oculis non habens & ligeantiā debit minime ponderans falſo & ꝑdit vt falſus prodit et inimic' ipſius dn̄æ reg. dict' die et ann̄ apud N. præd' cor̄ A.B. & C.D. de E. in com̄ pred̄ Yeoman, obſtinate et malitioſe dixit et propagauit hæc verba ſequentia in Angł verbis (*A vengeance on the Queene, and of ſuch falſe Councell.*) tam contra ligeanc' & pac' dn̄æ reg. quam cont form' Statuti in hm̄di caſu ædit et prouiſ. Et ſic præd' A. B. & C.D. ſciens pred' I. dicta verba proditor̄ locut fuiſſe, falſo et proditor̄ cont ligeanc' debit ſuū cōcelauer̄ et ſecrete cuſtod' cont pac' dn̄æ reg. et cont form̄ ſtatuti in hm̄di caſu ædit et prouiſ. vſq; ad 1. die Martij ann̄ &c. q̄ dicti A.B. & C.D. dicta verba ſic proditor̄ per dict I. loqunt cor̄ N.S. milite viceconiti com̄ pred' ac R.S. gen̄, retulerunt et oſtenderunt.

Concealing.

An

An Inquisition taken before a Coroner vpon the view of the body dead, how he came to his death: In which it is found that he died of a feauer or ague by the visitation of God, and not otherwise.

INquisitio capt̃ S. in com̃ S. 20. die &c. anno &c. coram I. B. vno co- Sect. 310.
ronatorum dictæ dominæ Reg. in com̃ pred̃ super visum corporis A. B. nuper de E. in com' præd' Husbandman, ibidem iacẽ mortui per sacram̃ &c. Qui dicunt super sacram' suum q̃ ita accidebat apud G. præd' die &c. anno &c. qd præd' A. B. egrotabat apud G. præd' de Febri in 10. die Aprilis vsq; ad 20. diem mensis eiusdem. Quo quidẽ die ex Febri pred' & visitatione Dei adtunc & ibid' præd' A. B. circa horam 10. eiusdem diei ante meridiem obijt. Et Iuratores pred' dicũt, qd præd A. B. ex nullo alio morbo egritudine aut infirmitate ad mortem suam deueniebat, sed hec est causa mortis sui, & non aliter. In cuius rei testimoñ huic Inquisitioni tam pred' Coronator quam Iuratores præd' sigilla sua apposuerunt.

An Inquisition found before a Coroner vpon the view of the body dead, in which it is found that S. A. being Keeper of the Earle of Pembroke his Parke, finding one hunting in the same Parke required him to stand and yeeld himselfe, hee neuertheless defended himselfe and would not yeeld: whereupon the Parke keeper, with a Forest Bill with a thrust in the breast killed him.

INquisitio indentat capt apud Sarefield, in com' S. 9. die Februarij Sect. 311.
anno &c. per sacram̃ &c. Qui dicunt super sacram̃ suum, q̃ cũ quid S. A. parcarius prenobilis W. com' P. parcæ suæ de P. in com pred̃ 20. die Ianuarij anno regni dictæ dñæ Reginæ 4. circa 11. horam eiusdẽ die inueniebat præd' T. H. in parco p̃d venant & vagrant ad damnum ibid̃ faciend̃. Et p̃d T. H. post clamorem per p̃d S. adtunc & ibid̃ leuat̃ ad pacem dictæ dñæ Reginæ ad stand' rect' reddere se nolebat sed ad malitiam suam exequend̃ & continuand̃ & pacem dictæ dñæ Reginæ diffugiend̃, vi et armis tunc & ibid̃ se defendebat p̃d S. A. adtunc & ibid' veniens ad eundem malefactorem sic inuent̃ arrestand' & capiẽd̃ cum quadam tendite Anglicæ voc' a Forest Bill, quam præd' S. A. in manu sua dextra tenuit præd' T. H. vi & armis resistentẽ adtunc & ibidem in pectus ipsius T. percussit, de quo quidem ictu idem T. H. 1. die Februarij tunc p̃x' sequen̄ apud Sarefield, præd' in Comit' prædict' obijt. Et Iuratores predicti vlterius dicunt super sacramentum suum, Quod p̃d S. A. non occasione alicuius discordie contumelij aut alicuius male-

maleuolenc' siue odij p̄cogitat̄ sed solummodo ob causam p̄d̄ & non aliam p̄d̄ T.H. percussit vt prefertur: In cuius rei testimon̄ &c.

An Indictment of confederacie or combination by Oath against the Queene and others.

Sect. 312. INquir̄ p̄ domina Regina, si I.H. de B. in Com̄ L. Yeoman, & W.P. de G. in com̄ predict' Yeoman, E.F. de C. in com̄ prædict' Yeom̄, die Lunæ proxime post festum Sancti Michaelis Archangeli obligauerunt, & fides suas mutuas insimul dederunt intrauerunt & sacramenta sua super librum prestiterunt, qd in alto & basso iusticia & iniusticia iure & iniuria se ad inuicem tenerent & in omnibus occasionibus querelis & demand̄ quibuscunque con̄ ipsos vel quemlibet eorum mouend̄ ad sectam domini Regis seu alicuius alterius partis & combin̄ & confeder̄ con̄ dictam dominam Reginam & cunct̄ populum suū, in magnum preiudicium & lesionem totius populi dictæ dn̄æ Reginæ & contra form̄ statuti in hm̄di casu edit̄ & prouis.

An Indictment vpon the Statute of Maintenance, for the maintaining of one in an Action of Formedon en descender.

Sect. 313. INquir̄ p̄ dn̄a Regina, q̄ cum in statuto in Parliam̄to apud Westm̄ nuper edit̄ inter cetera continetur, q̄ nulla persona de regno domin̄ Reginæ Angliæ cuiuscunq; status gradus siue conditionis fuerit, aliquā querelam in aliqua Curia nec alibi manuteneat, nec sustineat sup pœnam imprisonamenti & faciend̄ dominæ Reginæ finem & redemptionem ad voluntatem ipsius dn̄æ Reginæ, put &c. Quidam tamen P.M. de P. in Com̄ N. Yeoman, statut̄ præd̄ minime ponderans quandam querelam cuiusdam loquelæ quæ E. in Curia dn̄æ Reginæ nunc Eliz. coram Iustic' dict̄æ dn̄æ Reginæ de communi banco Westm̄ per breue ipsius dn̄æ Reginæ de *Forma donationis en descender* inter R.G. petent̄ & N.A. tenent̄ de 5. acris terræ, &c. cum pertin̄ in C. pro parte ipsius N. tenend̄ 2. die Aprilis ann̄ &c. apud N. in Com̄ præd̄ manutenuit & sustentauit, & adhuc sustentat in dictæ dn̄æ Reginę nunc contempt̄, ac contra form̄ statuti & contra pacem dictæ dn̄æ Reginæ.

An Indictment of forcible entrie vpon the Statute of Anno 8. H. 6.

Sect. 314. INquir̄ pro domina Regina, Quod cum in statuto in Parliamento domini Hen. 6. nuper Regis Anglię apud W. Anno regni sui octauo tent̄ edit̄ inter cetera continetur. Quod si aliqua persona de aliquibus

b' terris vel tenementis manuforti expulsa sit vel disseisit vel pacifice expellat & postea manuforti extrateneatur vel per aliquod feoffamẽt vel discontinuationem inde post talem ingressum ad ius possessor defraudand et tollend aliquo modo fiat, habeat pars in hac parte grauat versus talem disseisitorem Assisam nouæ disseisinæ vel breue de transgressione, Et si pars grauat per assisam vel actionem transgressionis recuperet per veredictum vel alio modo p debitam legis formam inueniatur, Q1 pars defendens in terris vel tenementis vi ingressa fuit vel ea per vim post ingressum suum tenuit, recuperabit quærens dãna sua ad triplum versus defendentem. Et vlteri' finem et redemptionem ad dominam Reginam faciat prout in statuto plenius apparet: Quidã tamen I.D. de D. in comitatu prædicto Yeoman, & R. S. de eodem Comitatu Yeoman, Statutum prædictum minimè vereñ primo die Maij anno, &c. apud D. prædict' in comitatu prædicto quendam W. S. de vno messuagio siue tenemento cum ptinentijs in D. prædict per mandatum W. Bush manuforti expellauerunt & disseisiũerunt ac ipsum sic expulsum & disseisit a prædict' primo die Maij vsque diem captionis huius inquisitionis extratenuerunt et adhuc extra tenent, contra pacẽ dominæ Reginæ coroñ et dignitat suas, et contra formã statut in hũdi casu ædit & prouisi.

An Indictment for shooting in a hand-gunne, against one that may not dispend a hundred pounds per annum.

INquiratur pro domina Regina, quod cum I.R. de W. in Comitatu prædict' gener. non habens terras tenementa feod vel annuates ad vsum suum proprium annui valoris centum librarum non die Iunij, anno regni Regis Rich. primi apud S. in Com M. sagittauit in quoda torment, voc' a Hand-gun, contra statutum in huiusmodi casu ædit & prouisum. Sect. 315.

The Title of the generall Sessions of the Peace in the Countie of Chester.

Sessio pacis generalis dñæ Reginæ tent apud Cestr in comit Cestr, viz. quarto die Maij, anno reg. dñæ El. Dei gratia Angl, Franc', & Hiberñ Reg' fidei defensor, &c. dec', corã S.H.D.L.S.E. & alijs Iust. pac' in com prædict.

Inquisitio capt ibm per sacram R, M. de, &c. Qui dicũt sup sacr suũ cũ in statuto, &c.

The

The trauerse of an Indictment of Forcible entrie.

PRo A.B.C.D.E.F. versus dominam reginam in traus super Indictament.

Et prædict' A.B.C.D. et E.F. per I.B. atturnatū suum ven & dicūt, quod dicta domina regina nunc ipsum seu aliquem ipsorum action' indictament præd grauare seu impetere non velit aut debit: Quia protestand' q. Indictament prædict minus sufficiens in lege existit ad ponend ipsos respondere, pro placito tamen seperatim dicunt qd quoad vi et armis, & quicquid quod est contra pacem dict dom reginæ, necnon ad intrationem, disseisinam expulsionem, extrationem, et quicquid qd est contra formam statuti præd ijdem A.B.C.D. et E.F. dic' quod ipsi in nullo sunt culpabiles modo et forma prout per indictamēt præd superius supponitur. Et de hoc ponunt seperatim super patriam: et R.C. armiger qui pro domina regina hic in hac parte sequitur, pro ipsa domina regina similiter, &c.

An Indictment for making of false gold at Roan in France, and for uttering of it in England.

Sect. 316. INquiratur p̄ domino rege et domina regina, Quare cum in statuto in Parliamento dictorum domini regis, et dominæ reginæ nuper tent apud Westm duodecim die Nouembris annis regnorū dicti domini Regis & dominæ reginæ, primo et secundo authoritate eiusdem parliamenti inactitat et mordinat fuit. Quod si aliqua persona siue aliquæ personæ post vicesimum diem Ianuarij extūc proxim sequen introduceret siue introducerent a partibus transmarinis in hoc regnum Angl vel in aliquod dominium, huius dicti regni Angliæ, aliquas falsas & cōtra factas cuneas, monetas, siue pecunias de aur o ant argento alicui' alterius regni, non existent de proprijs cuneis, monet siue pecunijs de hoc regno Angliæ scientes præd' cuneas, monet, siue pecunias, fore falsas & contrafact', Ea intentione ad vterand siue soluend prædictas falsas & contrafactas cuneas, monetas, siue pecunias, infra hoc reg' Angliæ et dominij eiusdem regni per merchandisas, vel aliter. Quod tūc talis persona siue personæ sic vt prædict est offendentes & eorum conciliatores, pcuratores, auxiliatores, & abbettatores in tali casu, existimatirentur & adiudicabuntur fore offenditores in alta proditione. Et q. prædicta persona siue psonæ offendentes, & post eorum legitimam conuictionem siue attincturam subibunt tales pœnas mortis & forisfacturas terrarum, bonorum, & catallorum suorum, sicut alij offendentes in casibus altæ proditionis, put in eodem statuto satis aperte declaratur: Quidam tamen H.S. nuper de Hallifax in com Ebor Merchant alias dict' H.S. de Hallifax in com E. Merch' post pred' vicesimum diem Ianuar, et post ordinationem statut prædict viz. vndecimo die mensis

Nouem-

Nouembris annis regnorũ Phillippi et Marię Dei gratia Regis & reg. Hiſpaniaꝝ, Franciæ, Angliæ, vtriuſque Cecilię, Ieruſalem, et Hiberń, Fidei defenſorium, Archiduc' Auſtriæ, Duc' Burgundiæ, Medowlań, et Brabanc', Com̃ Haſpurgij, Flaundr̃, et Tirolis, 3. et 4. numerum 16. & 10. s in 60. et ſex pec' voc' halfe Souereignes and Engliſh Crounes, de ære, cupro, alcameno, et diuerſis alijs mettallis inſimul mixt̃, falſo et ꝓditorie apud Roane, et Diepe, in partib' tranſmarinis in regno Galliæ, ad ſimilitudinem bonarũ dimid' Sufferancearum et coronar' Auri de cuna dictorum domini regis et dominæ reginæ huius regni Angliæ, per quod falſos ꝓdit' apud Roane et Diepe ꝑd' in ꝑd' partibus tranſmarinis falſo et ꝓdit' ibid' fabricat' et contrafact' a prædict' regno Galliæ vſq; ad hoc regnum Angliæ, & ad Ciuitatem Norwichiæ introduxit et introduci procurauit. E ꝑd' H.S. ꝑd' 60. dimid' ſufferanc' voc' thaeſe 60. halfe Souereignes, ac prædict' ſex coronas Angliæ, voc' fyre Engliſh Crounes, modo et forma prædict' fore falſas et fabricat' ſecundum formã & ſimilitudinem bonar' dimidiarum ſufferanc' et Coronarum hui' reg. Angliæ affirmans dictas ſufferanc' et Coronas illas fore de bono auro et de habili monet' huius Regni Angl', falſas dimid' ſufferanc' et vnã Coronam, voc' halfe Engliſh Souereignes, and one Engliſh Croune, de prædict' 60. et ſex dimid' ſufferanc' et Coronis in forma ꝓdict' ex ere cupro alcameno fabricat' & contrafact'. Cuiꝰ H.B. hit apud Norwic' in com̃ ꝑd' pro vno equo, vno gladio, & vno ſcuto de bonis et catallis prædict' H.B. per ipſum H.S. de eodem H.B. adtunc & ibid' empt̃. ꝓ bona ſolutione falſo fraudul' & proditorie adtunc et ibid' vtterauit ſoluit & liberauit, contr̃ pac' &c. ac contra form̃ ſtatuti &c.

An Indictment of treſpaſſe for breaking of a cloſe, and deſtroying of Wheate then growing in the ſame.

IVratores preſentant pro domina Regina, quod W.C. nuper de D. in com̃ pred' arm̃ T.B. &c. tertio die &c. vi et armis &c. Clauſum I.N. apud S. in com̃ prædict' in quodam campo vocat' &c. fregerunt et intrauerunt & tres quaterias frumenti ipſius I.N. ad valenc' trium libr' adtunc et ibidem creſcen' cum quibuſdam bigis ſiue carucis equis & pedibus ſuis ambulando conculcauerunt & conſumpſerunt, Et alia enormia ei intulerunt, contra pacem dictorum domini Regis & domine Reginæ nunc, &c.

An indictment or Inquisition before the Coroner super visum corporis, *of one who killed one in his owne defence.*

Sect. 318. INquisitio indent capt apud T. in com Cestriæ, 1. die &c. anno &c. coram I.M. gen 1. Coron dict' dnæ reg. in com' pred' super visum corporis A.B. nuper &c. adtunc et ibid' super terram mortui iacen p sacrament &c. I.H. &c. ac de tribus alijs villat' propinquior', viz. A.B. C. in Com' pred' ad inquirend qualiter et quomod pred' A.B. ad mortem suam deuenit qui super sacrament suum dicunt. Quod cu ipse A.B. 15. die Octob. anno regni &c. 1. circa horam 7. ante meridiem eiusd diei apud T. pred' in com' pred', vi et armis cont pac' dict' dnæ reg. in quend R. nuper de T. pred' in com' C. pred' Butcher, adtunc & ibid' in pace Dei et dicte dnæ reg. exist' insult fecit et ipsum R B. cum quod baculo voc' a pikestaffe, quem idem A. in manibus suis tenuit, verber, ac super brachiu suu grauiter percussit, ita vt id R.B. pro ipsius vitæ saluatione à pred' A.B. quant potuit, fugit vsq; ad magnã concauam pipam vocat hollow stake, vltra quam ipse R.B. a pref. A. fugere non potuisset. Et sic ipse R.B. seipsum ac vitam suã defendẽ pred' A.B. pred' insultu assidue continuand super posteriorem partem capitis ipsius A. dicto 15. die Octobris anno 1. hora & loco supd, cũ quod baculo voc' a battone Bill, precij &c. quem id R.B. adtunc et ibid in manibus suis tenuit percussit, dans ei plagam mortal, tres pollices longã, vnam pollicẽ latam et dimid vnius pollicis profand: super quam quid plagã ipse A.B. languid iacebat vsq; ad 20. diem Octobris pred, in quo quidem 20. die Octobris anno &c. idem A. apud T. præd' in com præd ex ipsu plagaer dat modo et form pred moriebat. In cui' rei testim &c.

An Indictment or Inquisitiun taken before the Coroner super visũ corporis *of one slaine by misfortune, by one as he was shooting at the Buts.*

Sect. 319. INquisitio indent capt apud B. in com &c. die et an &c. coram R.H. armig', 1. Coron dict' dnæ reg. in com pd sup visũ corpor I. C. nup de R. in com' pd Labourer, adtũc et ibid sup terr mortui iacen per sacrament I.B. senior I.H. &c. ac de tribus alijs villat' ppinquior, viz. de M.R. & E. in com' pd' ad inquir qualit et quomodo pd I.E. ad mort suã deuenit: qui sup sacrament suũ pred' dicunt, q cũ quid C.W. nup de Ciuitate C. in com' ciuit C. Shereman, cum multis alijs 2. die &c. anno &c. 6. supd, circa horã 1. post meridiẽ eiusd 2. diei apud B. pred in com' C. pd in pace dei ac dñe reg. exist', ac ibid ad metas Angl voc' Buts, sagittã adtunc et ibid' venit pred' I.E. ad metas pd, ac dum præ-

prædꝰ C.W. ad ipſas metas inter ſagittand' fuit, ipſe I.E. obiter & im-
puiſo poſuit ſe inter metas prædꝰ vt pred' C.W. ſagittabat ad metas
pred' cum quad ſagitta precij &c. dicto ſecundo die Julij, ac hora &
loco ſupradictis per infortuniū percuſſit prædꝰ I.E. in gutture dans ei
mortal' plagam in pfunditate duos pollices. Super quam quidē plagā
ipſe I.E. a pred' ſecundo die Iulij vſq; ad quintum diem eiuſdem mē-
ſis apud R. pred' in comit' Ceſtriæ prædꝰ languidus iacebat, ac in eo-
dem quinto die menſis Iulij predꝰ ipſe I.E. apud T. pred' in com Ceſtr'
pred' de predict' plaga modo et forma pred' moriebatur, Ac etiam Iu-
ratores pred' ſuper ſacramentū ſuum pred' dicunt, qd pred' C.W. dicto
ſecundo die Iulij, aut aliquo tempore poſt eundem ſecund' dié menſis
Iulij non habuit aliqua bona ſeu catalla infra predict' com Ceſtr'. In
cuius rei teſtim vtriſq; partibus huius inquiſit tam prædꝰ coronaꝰ quā
pred' Iuꝰ ſigilla ſua poſuer' die & anno primo ſuprad'.

An Indictment againſt the husband and his wife for lying in waite, and for the aſſaulting, beating, and wounding of one.

INquiraꝰ pro domino rege et regina, ſi N.B. nuper de T. in comitaꝰ Sect. 320.
Ceſtriæ yeoman, K.W. vxor eius &c. 17. die &c. anno &c. apud T.
iuxta T. in com pred' in quod' loco voc' le Hall yarn, iacuerunt in inſi-
dijs et adtunc et ibid' inſidiati fuerunt quendam R.H. et in ipſum R.
ibidem vi et armis &c. inſultum fecerunt, verberauer', vulnerauerunt
& maletractauerunt. Ita quod idem R. languidus exiſt' ac de vita ſua
deſperat', vi et armis, & contra pacem &c.

An Inquiſition of wilfull murder taken before diuers of the Iudges & others, as Iuſtices of the Peace, for a murder done in Weſtminſter.

INquiſitio capt' apud Weſtm' in com Midd' viceſimo tertio die Apr. Sect. 321.
anno regni Eliz. &c. 16. coram I. Southcot vno Iuſtic' dictæ dnæ re-
ginæ ad placita coram ipſa regina tenend' aſſign' Rob. Mounſon vno
Iuſtic' eiuſdem dominæ reginæ de banco Gilb. Gerrard' armig' At-
turnato dictę dominæ reginæ generali, Willic' P. & B.R. armig' Iu-
ſtic' dict' dnæ Reginę ad pacem in comit' predicto conſervand', necnō
ad diuerſas felonias, tranſgr', et alia malefact' in eodem comitaꝰ perpe-
traꝰ audiend' et terminand' aſſignaꝰ per ſacramentum 12. Iuꝰ extitit
præſentaꝰ. qd R.S. nuper de ciuitaꝰ Weſtmonaſter' in com Midd', et I.
T. nuper de ciuitaꝰ W. pred' in com pred' yeoman, 20. die M anno reg.
Eli. &c. 16. vi et armis viz. gladijs, baculis, &c. circa horam ſext' poſt
meridē eiuſd' diei ex malitia ſua pcogit' apud ciuit' W. pred' in com pd'
in quēd' W.R.I. in pace dei et dict' dnæ reg. adtūc et ibid' exiſt' inſulti

fecer

fecer et prædict' R.S. cum vno gladio quod ipse pd' adtunc et ibid' in manu sua dextra habuit & tenuit prædict' W.R.I. sup dextram brachium ipsius W. adtunc et ibid' felonice percussit et dedit ei adtunc et ibid' vnam plagam mortal' profunditatis quatuor pollicum et latitudinis vnius pollicis, de qua quidem plaga mortali prædict' W.R.I. apud Ciuitatē W prædict' in com prędict' die et ann supradict' instanter obijt. Et qd prædict' I.T. prædict' 29. die Martij, anno 16. supradicto apud West. prædict' in com prædict' felonice fuit præsens, procurans, abbettans, cōfortans et auxilians præfat' R.S. ad felonian et murdr prædict' in forma pdict' faciend & ppetrand, contra pac' dict' dñe Reginæ nunc, Et sic pdict' R.S. & I.T. die, anno, loco, & com prędict' pd' W.R.I. ex malitijs suis præcogit. felonice et voluntarie interfecerunt et murdrauer, cont pac' dict' dñæ Reg, nunc, Coron' et dignitat' suas.

An Indictment of Manslaughter against many, some for striking of the partie slaine, and some others for comforting and ayding of them being present, and some as accessaries after the fact committed, and that diuers of them fled.

Sect. 322. INquisitio capt' apud Cestr' infra Wardam Castri domini Regis ibid' die Veneris pxim post festum Apostolorum Simonis et Iude, anno regni Regis Rich. tertij post conquestum Anglię secundo, coram T.H. & I.I. Coron' dicti domini Reg. Hand' de B. in com Cestriæ super visum corpor' I.C. felon interfecti per sacramentum &c. Qui dicunt sup sacrament' suum, qd T.W. nuper de M. in com' Cestr' yeoman, R.B. nup de M. in com Cestr' armig', N.B. nuper de M. et alij &c. die Sabbati pxim festum Exaltationis sancti Crucis, Anno regni Regis R.3. post conquestum Angliæ secundo, apud H. in com Cestr' in insidijs iacuerūt pro dicto I.C. ad ipsum verberand', vulnerand', et felon interficiend' vi et armis, et contra pacem domini Regis: Et dicto die Sabbati, et anno prędict' apud H. prædict' in ipsum I.C. insult fecer': Et prædict' T.W. die Sab' et ann prædict' apud H. prædict' felon pcussit prædict' I.C. super caput suum vsq; ad cerebrum cum quodā gladio precij &c. et dedit ei plagā mortal' vnde obijt die Veneris px' post festū sancti Mich. Arch. tunc px' sequen' apud Cestr' prædict', infra ward Castri domin Regis ibid'. Et sic prædict' T.W. ipsum I.C. dict' die Sabbati et anno apud H. prædict' felon interfecit: Et qd prædict' R.B. eisdem die et anno apud H. felon percussit prædict' I.C. super tibiam suam dextram cum quodam gladio precij &c. et dedit ei plagam mortal' vnde obire debuisset & non obijsset de ictu quam prædict' T.W. ei prius dedit. Et sic prædictus R.B. ipsum I.C. dicto die Sabbati, et anno apud H. prædict' felonice interfecit. Et quod prædict' N.B. I.H. I.M. et R.C. dicto die Sabbati &

Anno

An' apud H. pred' fel' fuer, presen', auxiliantes, confortantes, & abbettantes pred' T.W. ad fel' pred', in form' pred' fac' vi et armis, & contr' pac' dict' dñi regis. Et q̄ pred' R.B. N.B. I.H. I.M. & R.C. eisd' die Sabbati & an' apud H. pred' felon' fuer presen', auxiliantes, abbettantes & confortantes, pred' T.W. ad felon' pred' in form' pred' faciend' vi & armis & cont' pacem dicti dñi reg' &c. Et q̄ I.B. nuper de M. in com' Ceſt' gen' frater R.B. mil' iam defuncti T.B. nuper de M. in com' Ceſtr' gen' frat' pred' I.H.B. nuper de M. in com' Ceſtr' ſen' gen' frat' p̄d' T.W.B. nup' de M. in com' Ceſtr' gen' fili' p̄d' R.B. mil' iam defunct', &c. eisd' die Sabb' & an' apud M. pred' in com' Ceſt' fel' fuer' vi, auxil', conſilio, & abettam' pred' T.W. & R.B. ad fel' pred' in form' p̄d' faciend' vi & armis, & cont' pac' dict' dñi regis. Et q̄ W.E. nuper de E. in com' Ceſtr' gen' R.H. nuper de M. in com' Ceſtr' Yeoman, I.H. nup' de ead' in com' pred' Yeoman, &c. die lunæ prox' poſt feſtum S. Michael' Arch' ann' reg' Reg' R. 3. poſt conqueſtum Angl' ſecundo apud M. in com' pred' fel' aſſiſtauer', receptauer', & confortauer', pred' I.W. & R.B. arm', ſcientes ipſum T. & R. felon' pred' in form' pred' felon' feciſſe vi & armis, & contra pac' domini Regis. Item dicunt Iuratores pred', q̄ pred' T.W. R.B. N.B. I.H. &c. poſt fel' pred' fact' die Mecur' p̄x' poſt feſtum Michael' Archang' ann' ſuprad' reg' pred' fugerunt, & ſe eadem felon' pred' retraxerunt a com' Ceſtr' vſq; villā de Whitchurch, in com' Salop felon' vi & armis, & contra pac' dom' regis. In cuius rei teſtim', &c.

An indictment for keeping a bawdy houſe, and vſing of vnlawfull games.

IVr' preſent' q̄ N.W. de A. & I. Tailor, & E. vxor' eius &c. ſunt com- Sect. 323.
mun' lupinar' & diuſis diebus & vicibus ante diem huius inquiſit. in domib' ſuis ſcituat' &c. manuten' hoſpic' lupanar', necnon diuſas p̄ſon' ſuſpect' ibid' ludentes ad luda illicit', viz. tables, cards, &c. tam in die q̄ in nocte, poſt horas debitas ei legitr' ad grauam' inhabitantū ibid' ac malum exemplum omniū aliorū ligeorū dom' regis, &c.

An Indictment for keeping of euill rule.

IVrat' preſent', q̄ W.H. de pochia S. Clement' in com' Midd' & Ma- Sect. 324.
ria vxor' eius die &c. an', &c. ac diuſis dieb' antea & poſtea hucuſq; cuſtodierunt & adhuc cuſtod' lupanar', luxuriā, & fornicat' p̄ omnib' homin' & mulibrib' ad talia nefāda opera diſpoſit', ac cuſtod' communem dicing and carding, &c. & alia illicita ad grauam' omniū vicin' ibid' inhabit', & in mal' exemp' alior' ligeor', &c. cont' pac', &c.

An Indictment for keeping of a bawdy house.

ect. 325. IVrat̃ presentꝫ q̃ R.M. de, &c. in com̃, &c. W.H de, &c. die & an', &c. ac diuersis temporib' antea & postea apud, &c. tenẽt, custodiunt, occupant & frequentꝫ in mansionibus suis ibid' communia hospitia lupan', luxur', & forn', & permittunt tam seculares q̃ regul' & laicos hoẽs & alias personas suspectas non bonæ gest' nec famæ cum meretricib' carnaliter concũbere ad magnũ nocumentum tot̃i populi dom' Reg' ibid' ꝓpc commorantiũ & malum exemplũ omniũ aliorũ in tali casu delinquent̃ nisi citius in hac parte debit̃ ꝓuideat̃ remediũ ac cont̃ pacem, &c.

An Indictment for slandering of a Iurie.

ect. 326. IVr̃ dant curiã intelligi. Qd cum ipsi tali die & an̄ apud &c. cunct' fuerant ad inquirẽd' in & interloquend' de diuersis articulis & offens. sup eor̃ sacram̃ ꝓ dict' dom̃ reg' ibi die & an̄ suprad' venit quidã T. B. de S. in com̃ pred' vt barrector & pacis dom' reg' perturbator, & pd̃ Iuratores vili pendit & scandalizauit dicend' sic in Angl̃ verbis, **Fie on you false harlots, pampered knaues and periured knaues,** ac alia minatoria & contumel̃ verba eisd' Iur̃ dixit in magn̄ redarguation̄ & villipend' Iur̃ pd̃ ac retard̃ exec' eor̃ iuramenꝫ, & cont̃ pac', &c.

the words.

An Indictment against a mans wife as a common Barretor and sower of dissention among her neighbors, and a common Scold.

ect. 327. IVrat̃ presentꝫ, q̃ A.E. vxor, &c. de, &c. in com̃, &c. non est bonæ famæ nec conuersac' honestæ, sed male dispositionꝫ barrectator & pac' dn̄i Regis perturbator: Ita q̃ verisimile est facere murd̃, homicid̃, lites, & discord̃ ac alia damna & grauamina inter ligeos dom' reg' ibid' ptext̃ premis. & est commun̄ obiurgat̃ & blasphem̄ vicinor̃ suor̃, & mag' scãdala eis ibid' imponit, ad magn' scandala eis ibid' imponit̃, ad magn' nocument̃ omn' inhabit̃ villæ pred', & pernicios̃um exemplum omnium alior̃ in tali statu delinquent̃, & contr̃ pacem, &c.

An Indictment for a Rape committed by a Minister vpon a maide of fourteene yeares old.

ect. 328. IVrat̃ presentꝫ, q̃ T. Thorneton de &c. in com̃, &c. Clericus, die & an̄ &c. vi & armis, viz. gladijs, baculis, &c. in I.F. adtunc ætatis 14. ann' apud, &c. insultum fecit & corpus & ventrem pd̃ Io. adtunc & ibidem manib' suis felon̄ vulnerauit, fregit & lacerauit, necnon eãdem Io. cont̃ voluntꝫ ipsius Io. adtunc & ibid' carnalit̃ cognouit, & felon̄ rapuit cont̃ pacem, &c.

An Indictment againſt foreſtallers of the markets within the Verge.

IVrat preſent̄,qd I.R.de &c. & R.S. &c. a die et anno &c. vſq; diem captionis huius Inquiſitionis apud C.in com̄ præd̄ infra virgam,ſingulare cōmodum ſuum & non vtilitatem reipub. indebite affectantes, blada,grana, et alia victualia quæ vſq; ciuitat̄ Londō et villæ Weſtm̄ pred' in com̄ præd' p̄ ſuſtentation̄ populi dict' dn̄i regis ibid' venēr et venire debuiſſent per tempus præd' forſtallauerunt et regratauēr et in dies forſtall' & regratare non deſiſtunt̄, p̄ qd blada grana et alia victualia multo maioris carioris et altioris precij efficiuntur quam deber̄ ſi forſtallatores & regratores hm̄di non fuiſſent, in dict' dn̄i Reg. nunc contemptum & ligeorum ſuorum maxime diſpend̄ et grauamen, ac cont̄ form̄ diuerſor̄ ſtat̄ in hac parte æditt̄,ac cont̄ pac' &c. Sect. 329.

An Indictment againſt a Gaoler for enlarging of one committed to priſon, within the Verge vpon ſuſpition of felonie without warrant.

IVr̄ preſent̄,q̄ W.H. de &c. die et an̄ &c. apud S.præd̄, in com̄ pred' infra virgam cepit et arreſtauit quend̄ R.E.nup̄ de &c. p̄ ſuſpectione felon̄ & ipſum R. adtunc et ibid̄ in priſona dn̄i Reg. ſub cuſtod' ſua pro felon̄ præd' per ſpacium vnius horæ detinuit: Et poſtea die et an̄ ſuprad̄ præd' W.H.pręd' R.F.apud S.præd' in com̄ præd' infra virgam felon̄,voluntar̄ et volenter ad largum ſuum ire p̄miſit,cont̄ pac' &c. Sect. 330.

An Indictment againſt a mans wife, for ſtealing xx.s. in money.

IVrat̄ p̄ſēt̄,qd I.W.vxor &c.de &c.alias dict̄ I.W. de E.pred̄ in com̄ præd' Spinſter, die & an̄ &c.vi et arm̄ &c.xx.s. in pecun̄ numerat̄ de bonis et denarijs I. B. apud E. pred' in com̄ predict' adtunc et ibid̄ inuent̄ felon̄ furat̄ fuit cepit,& aſportauit,cont̄ pacem,&c. Sect. 331.

An Indictment againſt a wife for ſtealing 60.li. in money, and againſt another as acceſſarie.

IVrat̄ preſent̄,qd Io. W. vxor̄ &c. alias dict' Io.W.de E. pred̄ in com̄ pred' Spinſter, die an̄ &c.lx.l in pecunijs numerat̄ de bonis et denarijs I.E.præd' in præd' camer̄ adtunc et ibid̄ inuent̄ felon̄ furat̄ et aſportauit contra pacem &c. Et qd W.W. nuper de E. in com̄ pręd Butcher, ſciens pref. Io. W. felon̄ pred' in form̄ pred' feciſſe eandem Io. dictis die, an̄ & loco felon̄ confortauit, auxiliauit & receptauit, contr̄ pacem dict' dn̄i regis &c. Sect. 332. Acceſſorie.

An Indictment for ſtealing of three mens coats.

Sect. 333. IVr̄ p̄ſenr̄, qd T.S. et W.H. de &c. in com' &c. die, Anno &c. vi et armis, &c. tres tunicas viriles de panno laneo coloris **Tawney**, ad valenc' &c. de bonis et catallis cniuſd̄ hōis ignoti apud H. in com̄ Midd̄ adtunc et ibid̄ felon̄ furat̄ fuit, cepit & aſportauit contr̄ pac' &c.

An Indictment againſt an Hereticke, for vſing of words.

Sect. 334. IVr̄ præſenr̄, quod T.M. de &c. eſt homo diabolicus & cōmun̄ hæreticus fidem Catholicam et obſeruantiam eiuſdē magnopere machinans et contemnēs. Et qd ipſe tali die et anno &c. apud p̄d' paroch' in p̄ſentia diuerſor̄ ſubditor̄, ac ligeor̄, dicti domini Regis hæc verba ſcandaloſa & hæreticalia dixit, retulit et ꝓpalauit: **Chriſt neuer died nor ſhed his bloud for vs, but only for them that were in** *Limbo patrum*, **& as for Images in the Church, they be but Idols:** cū multis alijs verb' ſcandoloſis et hereticalib⁹ in cōtēpt̄ fidei Cathol' ac in ꝓnicioſum exemplum aliorum ligeorum dict' dn̄i reg. ac contra pacem, &c.

An Indictment for breaking of a houſe, and taking out of a Cheſt in the houſe ſeuen pounds in money.

Sect. 335. IVr̄ preſenr̄, qd R.T. de &c. et I.C. de &c. tali die et anñ vi et armis, &c. domum T.P. apud præd' villā in com̄ præd' freger̄ et ſeptem libr̄ in pecun̄ numeratis de bonis & denarijs prædict' T. in ciſta præd' exiſt' adtunc et ibid' extra ciſtā præd' felon̄ fuerat̄ fuerunt, ceper̄, & aſport̄ contr̄ pacem dict' dn̄i regis &c.

An Indictment for a maime in both the hands.

Sect. 336. IVr̄ p̄ſenr̄, Qd cum H.P. de &c. tali die & anñ apud C. præd' in quodā loco voc' E. fuit in pace Dei et dicti dn̄i reg. dict' die & anñ apud C. præd' in præd' loco voc' E. venerunt A.B.C.D. et E.F. et in dict' H.P. ibid̄ inſult̄, vt felon̄ dict' dn̄i Reg. inſidiād̄ et ex inſultu ꝓmedit̄ p mandat̄ et ꝓcurationem P.P. de &c. fecerunt: Et præd' A.B. cum quodā baculo ad valenc' &c. quē ipſe in manib⁹ ſuis adtunc et ibid' tenuit p̄d̄ H.P. ſup dextrā manū ſuā adtunc et ibid̄ felon̄ ꝓcuſſit et ipſū H.P. adtunc et ibid̄ vulner' et felon̄ mahemauit ſic qd venæ et nerui eiuſd̄ dextræ manus retract' et mortificat̄ deuener̄, p qd p̄d̄ H.P. auxiliū & potentiā dextr̄ manus præd' totaliter amiſit. Et præd' C.D. cū vno alio baculo ad valenc' &c. q̄ ipſe in manib⁹ ſuis adtunc et ibid' tenuit præd̄ H.P. ſup ſiniſtr̄ manū adtunc et ibid' felon̄ ꝓcuſſit et ipſū H. adtunc et ibid̄ verber̄, vulner̄, et felon̄ mahemauit ſic qd venæ et nerui eiuſdem manus ſiniſtræ retract' et mortificat̄ deuener̄, p qd idē H.P. viam, auxilium et potentiam eiuſd̄ ſiniſtr̄ manus totaliter amiſit contr̄ pac', &c.

An Indictment vpon the statute of Anno 5. R. 2.

IVrat̃ pſent̃, qd cum in ſtat̃ in Parliam̃ dñi Regis Rich. nuper Regis Angl̃ ſecundi apud Weſtm̃ Anñ regñ ſui quinto tent̃ ædit̃ inter alia ordinat̃ ſit, Quod nullus faciat̃ ingreſſum in aliquibus terr̃ ſiue tenẽtis niſi in caſu vbi ingreſſus ei datur per legem, et in illo caſu non manuforẽ nec multitudine gentiũ ſed licito et quieto modo tantũ. Et ſi quis in cõtrarium fecerit et inde debito modo conuict̃ fuerit p impriſonam̃t corporis ſui puniatur, et ad voluntat̃ domini Regis redimat̃, put in eodem ſtat̃ plenius continetur. Quidã tamen I.S. de &c. ſtatutũ pred' minime ponderans nec pœnã in eodem content̃, die &c. Anñ &c. in quodã ten̄ cum ptiñ et quatuor acr̃ terr̃ cuiuſd̃ I.B. apud H. p̃d̃ in com̃ p̃d̃ in quo eidem Iohanni ingreſſus non datur per legem ibid' ingreſſus fuit, in dicti dñi reg. contemptum, Ac contra form̃ ſtat̃ pred'. Sect. 337.

An Information wherein the partie deſireth the good abearing againſt one.

DAt̃ eſt curiæ intelligi p relationẽ et teſtimoñ I. P. T. I. et alior̃ qd R. M. de S. in com̃, &c. eſt communis Barrectator et pacis dñi reg' perturbator vocand̃ viciũ ſuos Theues, knaues, et alia hm̃di ignominia, necnon communis furator boſci. Ita qd veriſimile eſt murdrũ, homicid̃ lites et diſcord' inter vicinos ibid' in dies oriri niſi citius prouideatur inde remedium ad motionẽ omnium inhabitant̃ in villa pred' ac in malum exemplum omnium aliorum legiorum dñi Regis. Sect. 338.

An Indictment againſt one for keeping of vagabonds, whores, and idle and ſuſpected perſons, and euill rule in his houſe.

IVrator̃ p̃ſent̃, quod T.E. de &c. in domo ſua continue recipit hoſpit̃ et ſupportat vagabond̃ meretrices et alios diuerſos hoẽs ocioſos ſuſpect̃ et malæ conuer̃. Et continue cuſtod̃ malam regulam & gubern̄ in domo ſua ad graue nocument̃ et perturbat̃ omnium vicinor̃ ſuor̃, ac contra form̃ diuerſorũ ſtat̃, &c. ac contra pacem, &c. Sect. 339.

An Indictment for breaking of a cloſe, and driuing away of Cattell out of the Cloſe.

IVrator̃ preſent̃, qd T.S. de &c. die & ann̄ &c. vi et armis &c. clauſum I.D. apud H. p̃d̃ fregerunt et intrauerunt et aueria ipſius I.D. adtunc et ibid' depaſcat̃ ceperunt et abinde fugauerunt contr̃ pacem, &c. Sect. 340.

An Indictment for Treſpaſſe for breaking of a cloſe, and eating of the graſſe with cattell.

INquiratur, &c. ſi A. B. et C. D. de &c. die et Anno, &c. vi et armis &c. clauſum E.F. apud W. prædict̃ in comit̃ predict̃ fregerunt

& intrauer̃ et herbam ſuam adtunc et ibidem cum quibuſdam auerijs ſuis, viz. equis, vaccis et bobus depaſcat̃ fuer̃ conculcauer̃ & conſũpſerunt contra pacem, &c.

An Indictment for breaking into a Cloſe, and treading downe the graſſe.

Sect. 341. INquiratur &c. ſi A.B. de &c. die et ann̄ &c. vi et arm̄ &c. cluſum D.E. apud C. p̄d̄ in com̄ p̄d̄ fregit et intrauit et herbā ſuam ibid̄ ad valēc', &c. pedibus ambulanc' conculcauit et conſumpſit. Et alia enormia &c. ad graue damnum, &c. ac contra pacem, &c.

An Indictment for breaking of a cloſe, and cutting downe of trees and vnderwoods.

Sect. 342. IVrat̄ preſentant, qd A.B. nuper de C. in com̄ &c. die et ann̄, &c. vi et armis &c. clauſum D.E. apud C. p̄d̄ in cc̄n p̄d̄ fregit et intrauit, et arbores et ſuboſcos ſuos ad valenc' &c. ibid̄ nuper creſcen̄ ſuccidit et aſportauit ad graue damnum &c. et contra pacem dicti dn̄i Regis, &c.

An Indictment for taking of a Cade of ſprats by extortion, without any warrant or cauſe ſo to doe.

Sect. 343. INquiratur &c. ſi *W.* B. de &c. tali die et an̄ apud S. p̄d̄ in contemptu dn̄i Reg. et p extorcion̄ arreſtauit et abduxit bona et catall̄ cuiuſdā T.H. viz. quandā cadam, voc' a cade of ſprats, ad valen' &c. de bonis et catall̄ ipſius T. apud S. p̄d̄ ad tunc et ibidem inuen̄t abſq; warr̄ ſeu cauſa rationabili cepit et aſportauit in contempt̄ dicti dn̄i Regis, ac contr̄ form̄ ſtat̄, &c.

An Indictment for not repairing the pauement of a high way, which ought to be repaired by a Biſhop.

Sect. 144. IVratoř preſen̄t, qd pars regię viæ apud S. in com̄ p̄d̄ in quantitate viginti pedum iacen̄ et exiſten̄ ex oppoſito certis terris ſiue tn̄tis dom̄ Epiſcopi Ceſtr̄ ibid' eſt ruinoſa p defect̄ reparationis pauiam̄t ibid̄ ad graue et cōmun̄ nocument̄ populi dn̄i reg. Et qd p̄d̄ Eſpus debet facere et reparar̄ pred' pauiam̄t ex ſuis ꝓprijs expenſ. et iuxt̄ form̄ ſtat', &c.

An Indictment againſt the Prior of Saint Iohns Ieruſalem and the Maſter of the Sauoy, for ſtopping of a common Sewer.

Sect. 345. IVratoř preſentant, ꝓ dño Rege qd Prior hoſpitalis S. Iohannis Ieruſalem, et magiſter hoſpitalis de Sauoy, obſtupant et quilibet eor̄ obſtupat curſum aquæ de le common Sewer apud S. pred' in com̄ p̄d̄ qd debet et a tēpore quo nō extat memoria conſueuit habere curſum et recurſum ſuū a ter̄ pred' Prioris vſq; ad ter̄ p̄d̄ magiſtri hoſpitalis de Sauoy pred' et ab inde vſq; ad Thameſin. Ita qd p defectu hm̄di curſus aque ibid' non poteſt fluere neq; refluere ſed in tēpore pluuiali pred' regiam

giam viam ſæpe ſuperfluit p defectu mundationis eiuſdem, ad graue et commune nocumentum populi domini Regis &c.

An Indictment againſt a Biſhop and Churchwardens, for not reparing of a ruinous and broken bridge.

Vrat̃ preſentant, &c. qd communis pons apud Stronḋ &c. adeo ruinoſus et confractus exiſtit̃ p defectu reparationis eiuſdem pontis qd homines per p̃d̃ pontem itinerantes abſq; magno periculo nõ poſſũt itenerare ad graue et cõmune nocum̃t populi dñi reg'. Et qd dñ's Epus Ceſtr̃ et gardiani eccleſiæ pochialis beatæ Mariæ virg' de S. pred' pro tempore exiſtentes debent reparare, ſuſtentare & manutenere, et quilibet eor̃ p pte ſua debet reparare, ſuſtentare, et manutenere p̃d̃ pontem ex ſuis ppris cuſtagijs, et expenſ. viz. pred' Epus ex parte occidentali eiuſdem pontis et pref. gardiani ex parte orientali. Sect. 346.

An Indictment for ſtopping and encloſing the Kings high way with hedge and ditch.

Vrator̃ p̃ſent̃, qd A.B. de &c. 6 die Aprilis &c. vi et armis, &c. regiam viam apud &c. tam foſſat̃ quã ſæpi iniuſte obſtupauit et incluſit. Quæ quidẽ via iacet in vico voc' &c. et extẽdit ſe vſq; regiã viã apud hoſpitalem S. Cornelij, ita qd hoies neq; pedeſtres, neq; equeſtr̃ p p̃d̃ viã pertanſire poſſint. Et qd pred' via debet et à tẽpore quo non extat memoria ſolebat eſſe communis via quouſq; A.B. illã in form̃ p̃d̃ feciſſet con̄t pacẽ &c. ad graue damn̄ et cõmun̄ nocum̃t legeor̃ dicti dñi reg. Sect. 347.

An Indictment for killing of one in his owne defence taken ſuper viſum corporis.

INquiſitio capt̃ apud D. in com̄ pred' die et ann̄ &c. corã R.T. vno coronat̃ dicti dñi Reg. in com̄ pred' de et ſuper viſum corporis A.B. de C. in com̄ pred' yeoman, ibid' iacen̄ interfecti ac mortui, eiuſd̃ A.B. p ſacram̃t xij. Q i dicunt ſu p ſacrament ſuũ qd vbi quidam I.G. nu p de &c. in com̄ p̃d̃ Husband. fuit in pace dei et dicti dñi reg. nunc apud C. pred' 4. die Maij, Ann̄ &c. circa horam quartam poſt meridiẽ eiuſd̃ diei venit pred' A.B. ex malitia ſua p̃cognita et in ipſũ I.G. adtunc et ibid̃ inſultũ fecit et ipſum ibid' verberaſſe et interfeciſſe voluit contin̄ inſultum illum a domo cuiuſdã T.B. in C. pred' vſq; quẽdã locum voc' &c. in pred'. Et idẽ I.G. vidẽs ipſum A.B. tã malitioſe depoſit̃ fugit vſq; quẽd' murũ in dict̃ loco voc' B. quẽ murũ ob metum mortis ſuæ euad̃ nõ potuit, ſicq; idẽ I.G. in ſalut̃ vitæ eius erga pred'. A.B. remanebat ad Sect. 348.

ſe defend̄ erga ipſum A.B. & cum quodam cultello voc' a ſwerd knife, precij, &c. qd tunc tenuit in manib' ſuis in defenſa ſua eundem A.B. ſuper ſiniſtram partem capitis ſui percuſſit, dando eidē A. B. tunc et ibidem quendā ictum vnde idem A.B. languebat vſque horam decimā in nocte pred' diei, qua nocte idem A.B. obijt. Et ſic idem I.G. ipſū A.B. adtunc et ibid' ſe defendend̄ interfecit. In cuius rei teſtim', &c.

An Inquiſition taken before a Coroner of the death of a man which was ſlaine by one Se defendendo.

Sect. 339. DIcunt ſuper ſacram' ſuum, qd accidit die, anno et hora infraſcript̄ apud Weſtm̄ infra contēt̄, q̄ contentio exorta fuit inter infranominat̄ &c. verbis contumelioſis & opprobrijs ex parte ipſi' W. motis: Ita qd idem W. vi & arm̄ in pred' W.R. tunc ibid̄ inſultū fecit, et ipſū ibid̄ verberauit, vulnerauit et ipſum interfeciſſe voluit, ſup quo idē W. R. ab ipſo W. in quantū potuit ſe extraxit & vſq; quandā ſeptē ex pte boreali cuiuſdam cāpi ibid̄ fugit, vltro quā nullo modo euadere potuit, & ex ea cauſa idem W.R. vlteri' non potuit fugere abſq; periculo mortis. Et pred' R.W. eūd̄ W.R. velociter & furioſe in ſequut' fuit ad ipſum interficiend̄ inſultū pred' malitioſe continuand̄. Su p quo idē W. R. p̄cipiens ſe nullo modo vitā inde euadere poſſe niſi ſe melius defēd̄ ad pred' R.W. ſe reuertebat, & eund̄ R.W. cū baculo infraſcr̄ ſuper caput ſuum percuſſit et dedit ei plag' infraſcr̄ ſeipſum W.R. legitime defendend̄, vnde idem R.W. inſtanter obijt. Et ſic idē Iurator̄ dicunt qd pred' W.R. non interfecit p̄d' R. W. feloñ nec ex malitia p̄cogitat̄ ſed ſeipſum defendend̄ vt ipſe qui mortem ſuam p̄priam alias euadere nō potuit. Et qd idem W.R. nulla habet bona nec catalla.

An Indictment for a riotous reſcous of cattell, taken dammage feaſant.

Sect. 350. IVratores preſentant qd cum R. B. tali die et anno &c. legitime fuit poſſeſſionat̄ de & in maner̄ de H. cum pertiñ in W. in com̄, &c. idem R. eiſdem die & anno apud W. pred' in com̄ pred̄ inuen̄ quædā aueria, viz. &c. in quodam campo continen̄ per eſtimationem 20. acras paſturæ, parcell̄ manerij de C. in com̄ pred' ibidem damnum facientes quæ quidem aueria ſic tunc & ibidem damnū facientes I. R. & quidam T. die & anno ſupradict̄ nomine diſtrictionis ad tunc & ibidem ceperunt & vſq; S. in com̄ pred' fugauerunt, vbi ſecundū legem & conſuetudinem regni Angliæ in quodam parco ibid' imparcare voluiſſent. Quidam tamen T.B. nuper de W. &c. T.C. &c. aggregatis eis ſibi quā plurib' alijs malefactoribus ignotis pacis dei & dñi reg. perturbator̄

ad

ad manēr &c. modo guerrino arraiat̄ vi & armis &c. die & anō ſupradᵒ apud S. pred' in p̄dᵗ, I.R. et T. route et riotoſe ceperunt & recuſſerunt, cont̄ form̄ diuerſ. ſtat̄ in hm̄di caſu nup̄ edit̄ & ꝓuiſ. ac contra pacē &c

An Indictment for maintenance in the Common pleas.

IVrator̄ preſent̄, Quod cum in ſtat̄ in Parliamento dn̄i Ed. nuper regis Angliæ tertij apud Weſtmon̄, anō regni ſui viceſimo tent̄ edit̄ inter cetera continetur, qd nulla perſona regni Angl̄ cuiuſcunq; ſtat' gradus ſeu conditionis fuerit aliquam querelam in patria nec in cur̄ dn̄i reg. manuteneat ſeu ſuſtineat ſub pœna impriſon̄t & faciend̄ dicto dn̄o regi finem & redemptionē ad voluntat̄ dict̄ dn̄i regis quilibet iuxta ſtatum, gradum, & demerita ſua, ꝓut in eodē ſtat̄ plenius apparet. Quidam tamen T. D. nup̄ de &c. ſtat̄ pred' aut pœnam in eodem content̄ minime ponderans, die et ann̄ &c. quandā querelam loquelæ quę eſt in curia dicti dn̄i regis ad placita ꝓ billam inter quendam M.E. vic̄ & I.F. ſubuic' & T.P. vic' Midd̄ ad quandam tranſgr̄ eid̄ M.E. pref. I. illat̄ vt dicitur ꝓ parte pred' M. in curia dict̄ dn̄i regis manuten̄ & ſuſtentauit & adhuc manutenet & ſuſtentat in dict̄æ dn̄ę Reg. nunc̄ contempt̄ & populi ſui graue damnum, ac contra formam ſtatuti & ordinationis pred'. Sect. 351.

An Indictment againſt diuers, for vſing a priſoner in priſon for ſuſpition of felonie very hardly, thereby to compell him to accuſe one of felonie falſly.

INquiratur pro dn̄o rege ſi I.O. de I. in comitatu &c. W.W. de eiſdem villa et com̄ Perthant, ballini dn̄i regis villæ pred', R.P. de &c. cuſt' gaolę dn̄i reg. villæ pred', et I.H. de &c. ſeruiens ad clauem infra burgum ſiue libertatem villæ pred', die et Anno &c. apud I. pred' in com̄ pred' vi et armis &c. quendam W.T. priſonarum in priſona gaolę pred' ꝓ ſuſpitione felon̄ dętent̄ receperunt ea intentione qd ipſi bona et catalla diuerſor̄ ligeorum dn̄i regis falſiter et extorſiue & iniuſte acquiſit̄ eundem W. quibuſdam funis et cordulis ꝓ pedes de terr̄ leuauerunt & ſeorſum per pedes, ſcz. pedib' ſeorſum et capite deorſum, pependerūt, et ipſum ꝓ talem duritiam et pœnam ad accuſand̄ quendā T.B. ligeum dn̄i regis de eo quod ipſe felon̄ furat̄ fuiſſet viginti libr̄ ſterlingor̄ et tres annulos aureos ad valenc' xx. s. de bonis et catallis A.C. ad tunc et ibidem felonice arctauerunt et compulerunt, contra pacem domini reg. pred', &c. Sect. 352.

An.

An Indictment against one, for procuring one to commit a Burglaris and robberie in a house.

Sect. 353. IVrator̃ presen̄t, Quod I. W. nuper de L. clericus, alias dict̄ &c. tali die et ann̄ &c. apud paroch' M. magna infra sanctuariā ibid̄ in warda de A. London, malicioſe et felonice abbettauit et ꝓcurauit P. W. de &c. ad felonic' frangend̄ et intrand̄ in domum W. Prioris hoſpitalis ſancti Iohānis Ieruſalem in Anglia apud Saind̄' Iohns Clerkenwel in pred' com̄ Midd̄ infra pred' hoſpitalem pred' Prioris ibid̄, et ibidem felon̄ furand̄ capiend̄ et aſportand̄ vnum Ciphum argenteum et deaurat̄ vocat̄ a Goblet, prioris ad valenc' &c. et vnam ollam argen̄ parcell' deaureat̄ eiuſdem Prioris ad valenc', &c. et alia bona pred' Prioris ibidem exiſten̄. Quarum quidem abbettationis et procurationis prætextu pred' R. die &c. vi et armis &c. domum et mancionem dicti Prioris apud &c. infra hoſpitat̄ pred̄ in comit̄, &c. circa horam ſecundam in aurora et antea meridiem eiuſd̄ diei burglariter et felon̄ fregit, & pred̄ Ciphum de argent̄ deaurat̄ vocat' a Goblet, ad valenc' C. s. et pd̄ ollam argent̄ parcell̄ deaurat̄ ad valent' x. l. ac alia bona eiuſd̄ Prioris, viz. duo Saltſeria de argent̄ et deaurat̄ ad valenc', &c. de bonis et catall̄ dict̄ Prioris adtunc et ibidem inuent̄ felonice furat̄ fuit, cepit et aſportauit, contra pacem, &c.

An Indictment for Murder and felony committed within the Verge by one and his ſeruant, vpon a Sericant at Armes.

Sect. 354. INquiratur &c. Si A. B. et C. D. ſeruiens pred̄ A B. tali die et anno ex eorum malitia precogitat̄ ac inſultu et affraia p eos præmeditat̄, vi & armis &c. apud L. pred' in parochia &c. infra virgam in quendā W. P. ſeruientem dn̄i Regis ad arm̄ inſult̄ et affraiam fecerunt et ipſum W P. adtunc et ibidem vulnerauerunt, verberauerunt, et male tractauerūt, et cum quibuſdam gladijs quos in manibus eius dextris adtunc et ibid̄ tenuerunt pref. W. P. adtunc et ibidem felonice interfecerunt et murderauerunt, contra pacem, &c.

An Indictment against one for keeping of a common tipling houſe, that he is a common barrator, and keepeth diuers ſuſpitious perſons in his houſe, both men, and women, and vagabonds, drinking, and ſwearing, and vſing vnlawfull games; ſleeping in the day, and watching in the night, And for holding of an hereticall opinion of our Sauiour Chriſts humanitie.

Sect. 355. IVratores &c. Quod A. B. de E. &c. eſt commun̄ Tiplator̃ ceruiſiæ et communis batrectator et pacis dn̄i Regis perturbat̄ et cuſtod̄ et manutenet quotidie et noctanter in domo ſua apud &c. diuerſas perſonas ſuſpect

ſuſpect̃ tam homines quam mulieres et vagabond̃ ibid̃ bibentes, iurãtes, & luden̄ ad luda illicit̃, viz. apud cardes and dice, in noctibus poſt horas debit̃ et legitimas, et qui vigilant̃ in nocte et dorm̃ in die: necnõ habet finem et opinionem contra fidem dei. Et hæc verba dixit in Anglicana tali die et anno &c. in preſentia A.B.C.D. & aliorum legeorum dict̃ dñi Regis; God neuer toke fleſh nor bloud of our Lady in malum exemplum et magnum nocumentum omnium aliorum ligeorum dicti domini Regis coron̄ & dignitat̃ ſuas.

An Inquiſition taken before a Coroner finding that R.H. was rowing in a Boat vpon the Riuer of Seuerne, and ſuddenly fell out of the Boate, and ſo was drowned.

INquiſitio indentat̃ capt̃ apud Worceſter in comitat̃ pred' primo die Auguſti, anno regni excellentiſſime principiſſe Mariæ primo &c. coram G.H. gen̄ vno coron̄ dictæ dominę Reginæ comitatu predict̃ ad inquirend̃ qualiter et quomodo quidem Richardus Hochecks in comitatu pred' husbandman, adtunc et ibidem iacen̄ mortuus, ad ſuam mortem deuenit p̃ ſacramentum proborum et legalium hominum villæ de W. pred' et trium aliarum villat̃ ꝓpinquarum, viz. N.B. & D. ſc. per Sacramentum R.L. &c. Qui dicunt quod ita accidit apud W. prædict̃ in comitatu predict̃ xxx. die Iulij anno ſupradicto quod pręd' R.H. fuit remigrans in Lintro vocat̃ a Boate, ſuper aquam Sabrinę & in remigratione præd', præd' R.H. ex infortunio repente cecidit de eodem in aquam præd', et merſus fuit. Et ſic dicunt quod idem R.H. ad mortem ſuam deuenit et non aliter, nec alio modo. Et quod pred̃ Lintrum attachiatum eſt eo quod fuit cauſa ſeu occaſio mortis ſuæ et appreciatur ad 4. ſolid' 4. denar̃, et remanet in cuſtod' W.H. In cuius rei teſtimonium tam ſigilla præd' Iurat̃ quam ſigillum præd' Coronat̃ huic præſent̃ Inquiſitioni indentat̃ fuit appenſ. dat' die & anno pri' ſupradict̃. Sect. 356.

An Indictment of murder of one man taken before the Coroner, againſt one that committed the murder, and two that were preſent, maintaining, procuring, and aiding him in the doing thereof.

INquiſitio indentat' capt' apud W. in Comitatu pred' ſecundo die, &c. Anno &c. coram G.H. generoſ. vno Coronatorum dict̃ dominæ Reginę comitat̃ pred' ſuper viſum corporis cuiuſdam R.D. apud V.V. felonice interfecti adtunc et ibidem mortui iacen̄ per Sacramentum proborum et legalium hominum de V.V. prædic', et trium aliarum villat' propinquarum, videlicet, &c. ad inquirend' qualiter & quomodo Sect. 357.

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pred R.D. ad mortem suam deuenit, viz. per sacramentum, &c. Qui dicunt sup sacramentum suum per prædict A.B. C. prolocutores eorum, quod vbi prædic' R.D. fuit in pace Dei & dictæ dominæ Reginæ in regia via ambulans inter Castrum Pulderbach & Wrintnal in Comitat pred' 20. die Augusti, Anno suprad circa horam septimam post meridiem eiusdem diei, vbi venit R.A. de W. præd' in com' pred' **Laborer**, vt felo dictæ dominæ Reg. contra pacem eiusdem' dnæ Reginæ coron & dignitat suas die, ann, hora et loco pred' ex malitia et malo ꝓpos suo precogit in insidijs iacuit, ea intenc' ad murdrand & interficiend prefat R.D. ac in pref. R. tunc & ibid' insult fecit, & eund R. cum quodam baculo vocat a **pitch staffe**, precij, &c. quē in manibus suis tenuit super occiput capitis sui felonice percussit dans ei plagā mortal; de qua quidem plaga mortal idem R. à pred' 20. die Aug. ann supradict vsq; secund diem Sept. tunc ꝓxime sequen languebat & moriebat. Et sic dic' qd pred' Rowland' prefat R.D. adtunc & ibid' voluntar & felonice murdranit & interfecit, et quod habuit in bonis nihil, dicuntq; insuper, Quod quid' R.A. de W. in comit pred' **Husbandman**, T.W. de W. pred' com pred' **Butcher**, die, anno, hora, & loco pred' personaliter interessent manutenentes procurantes et auxiliantes pref. Row. A. ad felonium et murdrum felon in forma pred ꝓpetrand et perficiend. Et qd pred' R.A. habuit in bonis et catallis ad valenc', &c. et remanent in manibus A. A. vxor eius, & quod pred' T.W. nihil habuit in bonis et catallis ad presens.

An Inquisition taken before a Coroner, finding that W.V. hanged himselfe, in a wood in his girdle.

Sect. 358. INquisitio indentat capt apud A. in com pred' die et anno &c. coram G.H. gen vno coronat dict dom Reginæ Comit predict sup visum corpor cuiusdam W.V. adtunc et ibidem mortui iacen per sacramentum proborum et legalium hominum villat de A. pred' et trium aliarū villat ꝓpinquar, viz. W.H. & M. ad inquirēd qualiter et quomodo idem W. ad mortem suam deuenit, viz. per Sacramentum, &c. Qui triat, elect, onerat et iurat ad veritat de premissis dicend per pd A.B. C. eor ꝓlocutores, dicunt super eorum sacrament, quod predict W.V. xx. die &c. anno supradicto in quodam bosco iuxta Acton predict vocat **Hanoxs wood**, circa horam quartam post meridiem eiusdem diei felonice, vt felo dict dnæ Reg. die, ann, hora et loco prædict Deum præ oculis non habens, sed instigation diabolica seduct cum quadam zona curreo vocat a **letherne girdle**, precij, &c. se suspendit, interfecit & murdrauit. Et sic dicunt, quod prædictus W. ad mortem suam deuenit & non aliter, et primi inuentores eius fuerunt T.V. & I.

& I.W. pleg' eor I.H. et T.H. cor Iustic' itiner cum ad partes illas venerũ, & habuit in bonis ad valenc' 7.l.6.s.8.d. viz. in manib' T.V. de A. pred' &c. 6.s.8.d. in manibus R.M. &c. 10.s. &c. In cuius, &c.

An Inquisition taken before a Coroner, finding that one was murdred vpon a heath by one vnknowne.

INquisitio indentat capt apud W. in com pd die et ann &c. cora G. H. vno coron dicte dominæ Rnæ com pd sup visum corpor cuiusd N.H. alit in com Cestr apud Paines heath, infra dnium de W. in com præd' felon interfect' adtunc et ibid' mortui iacen per sacramentum pborum et legalium hominum villat de W. præd ac trium aliarũ villat ppinquar, viz. &c. ad inquirẽd qualiter et quomodo pred N. ad mortem suam deuenit, viz. p Sacramentũ, &c. Qui elect', iurat et onerat per pd A. et B. eor prolocutores dicunt: Quod vbi præd' N. fuit in pace dei, et dictæ dnæ reg. apud Paines heath, præd' in com pred die et an supradict' circa horã tertiam post meridiem eiusdem diei ibi tunc venit quidam homo adhuc ignotus, felonice vt felo eiusd dñę reg. per regiam viam ibid ex malitia et malo pposito suo pcogitat in insidijs iacuit et in pf. N. adtunc et ibid insultũ fecit, ac cum quodam baculo voc' a pikes staffe, precij, &c. quem ipse adtunc et ibid' in manibus suis tenuit, pf. N. sup vertic' capitis sui felon percussit dans ei plag' mortal vnde cecidit ad terram: ratione cuius idem N. à præd' die, an et hora languebat vsq; 24. diem &c. tunc px' sequent, & sic tunc et ibid de pred' plaga mortali moriebatur. Sect. 359.

An Indictment before the Coroner for killing and robbing of one by the high way, and flying thereupon, and a towne amerced for not reprehending the felon.

INquisitio indentat capt apud B. in com, pd in quod loco ibid voc' Lawleslrode, 4. decembr an &c. coram W.W. gen', vno Coronat dictæ dnæ Reg. com' præd' sup visum corporis cuiusd I.W. nuper de L. &c. adtunc et ibid iacen mortui per sacramt bonor & legal hom villat de Buyldas pd, et trium aliar villat ppinquar, viz. &c. ad inquirend' qualiter et quomodo pred' I.W. ad mortem suam deuenit, viz. p sacrament, &c. qui dicunt super sacramentũ suum per A.B.C. prolocutores, qd vbi pd I.W. 2. die &c. an supradicto fuit in pace dei & dictæ dnæ Reg' equitans inter vill de Wenlock magna, & Buyldas magna præd' in com præd', sic accidit circa horã vndecimam ante meridiem eiusd diei. Qd quidã T.L. nuper de H. in com predict' Setuingman, deum præ oculis non habens ex malitia et male ppositis suis precogit Sect. 360.

apud

apud Lawielle croſſe pred' in com̃ præd' in inſidijs iacuit. Ea intention̄ ad murdrand̄ et interficiend̄ pref. I. W. Ac præd T. L. ex prædict' malitia ſua precogitat̄, vi et armis &c. in prefat̄ I. W. adtunc et ibid̄ inſultum fecit, et ipſum I. W. ab equo ſuo ſup quem idem Io. tunc equitauit in terram deiecit & collum ipſius Iohannis adtunc et ibid̄, vi et manu forti torſit & fregit vnde idem I. W. adtunc die, ann̄, hora, et loco ſuprad' (vt prędicitur) voluntat̄ et felon̄ murderauit et interfecit: Et vlterius dicunt Iuratores præd' quod præfat̄ T. L. immediate poſt felon̄ & murdrum prędict' in form̄ præd' perpetrat̄ adtunc et ibidem vnam crumenam Coriam precij 4. d. & 40. s. in nummis numeratis in dicta crumena tunc exiſten̄ de bonis et catallis ipſius Io. dum vixit adtunc & ibid̄ a corpore ipſius I. felon̄ cepit. Et ſuper inde T. L. per defectum & negligentiam inhabitanc' villat̄ de Buyldas præd' fugam fecit tunc minime reprehenſus exiſten̄ pro murdro & felonio prædict'. Ideo amerciatur præd' villat̄ de B. præd' ad C. s. pro huiuſmodi eſcap̄ ſecundam formam ſtatut̄ in huiuſmodi caſu edit̄ & prouiſi. Et dicunt etiam Iurat̄ prędict' ſuper ſacrament̄, quod prædict' T. L. prædict ſecund̄ die Septemb. anno ſuprad' ſeu vnquam poſtea nulla habuit bona neque catalla terras nec tenementa in comitat̄ prædict'. In cuius &c.

An Inquiſition before a Coroner, where it is found that a woman killed her ſelfe with a knife.

Sect. 361. INquiſitio indentat̄ capt̄ apud A. in com̃ pred' die et ann̄ &c. coram I. A. vno Coronat̄ eiuſdem domini Regis ſup viſum corpor̄ K. vxor̄ G. S. adtunc & ibidem mortui iacen̄ per ſacramentum proborum & legalium hominum de A. præd' & trium villat̄ propinquarum, viz. &c. ad inquirend̄ qualiter et quomodo eadem K. ad mortem ſuam deuenit, viz. per Sacrament̄ &c. Qui elect', iurat̄ et triat̄ ad veritatem inde dicend̄, per prædict' A. B. eorum prolocutor̄ dicunt ſuper ſacrament̄ ſuū, Quod pred' K. deum non habens præ oculis ſuis, ſed inſtigatione diabolica ſeduct' die &c. anno &c. apud W. in Com̃ præd' cum quodam cultello precij 2. denar̄ ſeipſam felon̄ percuſſit dextra parte gutturis ſuæ ad profunditatem decem pollicium vnde eadem K. languebat ab eodem die vſque ad diem &c. extunc prox' ſequent̄ & moriebatur. Et ſic dicunt qd eadem K. ad mortem ſuam deuenit & non aliter, et nihil habuit in bonis. In cuius rei teſtimonium, &c.

An

An Indictment of one in London for cosening of Clothiers.

IVratores ꝓ dom' regina presentant, q̄ S.S. nuper de London' mercāt sciſſor est persona valde mali nominis, famę & conuers. inhonestæ communis deceptor & defraudator subditor̄ dict' dñæ reg. Et q̄ ipse 30 die, &c. anno &c. 30. apud London, viz. in parochia S. Laurent in veteri Iudaismo in Warda de Cheap Londō pred' & diūsis alijs locis & diebus infra Ciuitat' pred' tam antea q̄ postea, quend̄ Radulphū Wyat de Ciuitate Wigorn' **Clothier**, & multos alios fideles subditos dict' dom' Reg' decepit & defraudauit, & per fraudem, astuciā, & deceptionem, Angl' **by cosenage**, diuersos pannos laneos, vocat' **Broade Clothes**, tam de pred' Radulpho Wiat quam de diuersis alijs dict' dñæ Reginæ subditis perquisiuit, habuit & precepit, in pauperac' subditorū dict' dom' Reg' nunc, & in contemptum dict' dom' Reginæ & in pessimum ac pernitiosissimum exemplum omnium alior̄ ligeorum subditorum dict' dom' Reg' in hm̄di casu delinquen', & cont' pacem dictæ dominæ Reg, Coron' & dignitat' suas: Necnon cont' form' statut' in hm̄di casu editi & ꝓuisi.

Concordat cum Recordo.

An Indictment against William Hacket, for treason and conspiracie, vic. for practising the deprivation of the Queene, and for traiterous words against her, and for defacing of her Armes, &c. Translated into English out of the verie Indictment it selfe.

THe Iurie doe present for the Quéene, that Willia Hacket late of Dundel in the Countie of Northampton Yeoman, as a false Traitor against the most excellent and Christian Princesse, our Soueraigne Lady Eliz. his naturall and Soueraigne Liege Lady, having not the feare of God in his heart, nor weighing his due allegeance, but seduced by the instigation of the Deuill, maliciously and traiterously compassing, imagining, deuising, and entending the deprivation and deposing of our sayd Soueraign Lady Eliz. from her honour and royall name of the Imperiall Crowne of this Realme of England, on the 21 day of July, in the 33 yeare of the raigne of our Soueraign lady Elizabeth now Q. of England, at London, that is to say, in the Parish of Saint Bides, in the Ward of Farringdon extra London, and diuers other dayes and times betwixt the 12 of Februarie last past, and the 25 day of July, in the said 33 yeare of her Maiesties raigne, as well in the Parish and Ward aforesaid, as elsewhere in London aforesaid, of his owne peruerse and traiterous minde and imagination, maliciously, expressly,

adui-

aduisedly, directly, and traiterously, in the presence and hearing of sundrie faithfull subiects of our said Soueraigne Ladie, these false, malitious, and traiterous English words following, concerning our said Soueraigne Ladie the Queenes Maiestie, falsly, maliciously, aduisedly, expressly, directly, and traiterously said, rehearsed, published, and spoke, viz. That the Queenes Maiestie (meaning thereby our said soueraigne Queene Elizabeth) did represent all Hypocrisie, and had forfeited her Crowne, and was worthie to bee deprined, and that hee had bin of that opinion these 4 yeares, and that he defaced her Armes in Kayes house, thereby meaning the house of one Ralph Kaies, scituate and beeing in Knight-riders streete in the Parish of Saint Gregorie nere Paules, in the Ward of Baynards castle L. to take away her whole power of her authoritie, and was moued thereunto by the Spirit, and that he neither was, nor is sorie therefore, to the great scandall and derogation of the person and roialty of our said soueraigne Ladie the Qu. and to the subuersion of the state of this Realme of Engl. and contrary to the forme of a statute in this case made and prouided, and also against the peace of our said Soueraigne Ladie, her Crowne, and dignities, &c.

Another Indictment against the said W. Hacket, for practising the dispositon and death of the Queene, for stirring sedition in the Realme, for rasing of the Queenes Armes, and her picture, and for thrusting an Iron instrument into that part of the picture that represented the brest and heart of the qu. and that he treated with two others for the bringing to passe of their purposes. And for traiterous words vttered against the Queene, translated into English out of the verie Indictment it selfe.

Sect. 365. THe Iurie present for the Qu. That W. Hacket, late of Oundel in the Countie of Northampton Yeoman, as a false Traitor against the most excellent and Christian Princesse, our Soueraigne Ladie Elizabeth, by the grace of God, of England &c. hauing not the feare of God in his heart, nor weighing his due allegeance, but seduced by the instigation of the Deuill, and intending wholly to withdraw, put out, and extinguish the heartie loue, and the true and due obedience which a true and faithfull subiect of the Qu. should beare, and by the law is bound to beare towards our said Soueraigne Ladie the Qu. The first day of July, in the 33 yeare of the raigne of the said Qu. at London in the Parish of S. Gregorie neere Paules, in the ward of Castle Baynard London, falsly, malitiously, and traiterously intended, immagined, went about, and compassed the said Queene his soueraigne and naturall liege Lady, not onely from her Royall state, title, power, and gouernment of this Realme of England, vtterly to deprine, depose, cast downe,

and

and pilferies, but alſo to bring and put the ſaid Queenes maieſtie to death and finall deſtruction and ſubuerſion in the ſaid realme of England to raiſe vp, leuie, and make, and alſo wholly to ſubuert and deſtroy the ſtate of this whole Commune-wealth, being in and through the moſt and greateſt part thereof well affected towards the ſaid Queene: And to the intent he might fulfill and bring to paſſe the more eaſily his ſaid trayterous purpoſes, imaginations, compaſſings, and contents: The ſaid William Hacket afterward, that is to ſay, the firſt day of July, in the xxvij. yeare of the reigne of the Queenes Maieſtie that now is, did come to the manſion houſe of one Ralph Kaies, ſcituate and being in Bright-river ſtreete, in the ſaid parriſh of S. Gregories in the ward aforeſaid, and then and there maliciouſly, diuelliſhly, and trayterouſly raſe and defaced the Armes of the Queenes maieſtie, then and there in the ſaid houſe being, with this intent, traiterouſly to take away, put downe and diſtroy the power and authority of the ſaid Queene: And that the ſaid William Hacket, for further accomplifhing and effecting of his ſaid trayterous purpoſes, imaginations, compaſſings, and contents, the ſaid firſt day of July, in the ſaid xxvij. yeare of her Maieſties reigne, in the houſe of the ſaid Ralph Kaies, ſcituate in the parriſh and ward aforeſaid, did trayterouſly raze a certaine picture of the Queenes Maieſties, then and there in the ſaid houſe likewiſe being: And then and there did maliciouſly and traiterouſly put by and thruſt an yron inſtrument into that part of the ſaid picture, ſhadowing the breaſt & heart of the Queenes Maieſtie. And afterward, that is to ſay, on the xvj. day of July in the xxvij. yeare of the raigne of the Queenes Maieſty that now is, the ſaid William Hacket trayterouſly came to the houſe of one John Walker, ſcituate and being in the parriſh of S. Mary Summerſets, in the ward of Queenehithe in London aforeſaid, with intent traiterouſly to conferre and treat with one Edmond Coppinger Gentleman, and Henry Arthington Gentleman, concerning his trayterous purpoſes, imaginations, compaſſings, and intents aforeſaid: And that the ſaid William Hacket afterward, that is to ſay, on the xvj. day of July, in the xxvij. yeare of the raigne of the Queenes Maieſtie that now is, at London aforeſaid in the houſe of the ſaid John Walker in the aforeſaid parriſh of S. Mary Summerſet in the ſaid ward of Queenehith in London, of his own peruerſe & trayterous mind and imagination, maliciouſly, aduiſedly, openly & traiterouſly, did treate & had conference with the ſaid Edmond Coppinger, and Henry Arthington, by what waies, meanes, and maner, the ſaid traiterous purpoſes, imaginations, compaſſings & intents might be accompliſhed & brought to paſſe. And then vpon y ſaid xvj. day of July, in the ſaid xxvij. yere, in y ſaid houſe of John Walker aforeſaid, ſcituate and being in the ſaid Parriſh of S.

parte mencyoned in the said towne of Queenehith London, in the presence and hearing of the said Edmond Peppinger, & Henry Arthington, being then and there in the said house, the said Packet these false trayterous English words following of our said Soueraigne M. Elizabeth, falsely, traitorously, & deuisedly vttered and traytorously said, whereas, quoth he, and speaking of the Name the Queenes Maiesty (meaning our said Soueraigne Lady Queene Elizabeth) hath forfeited her Crowne, and was worthy to be depriued. And that furthermore, the said William Packet there vpon the said 16. day of July, in the said xxiij. yeare, in the said house of John Walther, scituate in the Parish of S. Mary Somerset, in the said ward of Queenehith London, maliciously and traiterously moued and stirred vp the said Edmond Peppinger, and Henry Arthington, traiterously and openly to declare and publish in London aforesaid, that the Queenes Maiesty that now is, hath forfeited her Crowne, to the great offence and derogation of the person of the Queenes Maiestie, and to the subuersion of the state of this Realme of England, and contrary to the peace of our said Soueraigne Lady, her Crowne and dignities, &c.

An Indictment of Recusancie vpon the Statute of 1. and 23. Eliz. ab.

Sect. 366. IVratores presentant pro dicta Regina, quod I. S. nuper de parochia S. Margarete in Westm̃in com̃ Midd' armig', Qui xx. die Septembris, Anno regni Reg' Eliz. &c. quadragesimo primo fuit etatis sexdecẽ annorum et vltra non accessit Anglicè did not repaire Ecclesiæ suæ parochiali de parochia S. Margarete in Westm̃ pd̃ in com̃ Midd' pred', nec alicui alteri Ecclesiæ, et ipse aut̃ sanis loco communis precationis nec ibidem fuit tempore communis precationis ad aliquod tempus infra sex menses proxim̃ sequent̃ pred̃ xx. diem Septemb', anno xlj. supradict', sed abstinuit ab eisdem Anglicè hath forborne the same, à pred̃ xx. die Septemb' anno xlj. supradict', p̃ pred̃ spacium pd̃ sex mensium extunc proxim̃ sequent̃ contra tenorem cuiusdam statuti apud Westm̃in com' Midd' ad̃ regni dictæ dñæ Reg' nunc primo, p̃ vniformitat̃ communis p̃cationis ac cont̃ formã statut̃ anno regni dictæ dñæ reg' nunc 23. in hm̃di casu edit' et prouis. in dictæ dñæ Reg' nunc et legũ suar̃ contempt̃ manifest̃, necnon contra pacem dictæ dñæ Reg' nunc coroñ et dignitat̃ suas, &c.

Memorand, that the entrie is, that the partie indicted must appeare in proper person, and plead to the Indictment.

A plea to the Indictment next before.

Midd. ss. ET pred'ct' I. S. in propria persona sua venit et defendit totum &c quicquid contra pac̃ et in contemptu Dominæ Reginæ nunc &c

legi

legum suarum superius sicut supponit. Et protestando quod indictament̃ pred̃ vers. eum exhibit minus sufficien in lege existit ad quod necesse non habet nec per legem terre tenetur respondere: Pro placito tamen idem I. S. vlterius dicit quod de pred̃ non accessu alicui Ecclesie capelle aut vsuali loco communis precationis aut de abstentione inde contra formam statuti pred̃ in dictament̃ pred̃ significat̃ vel de aliqua alia transgression offens, aut cõtempt̃ in indictament̃ pred̃ superius suppositt̃, qd ipse in nullo est inde culpabilis. Et de hoc ponit se super patriam, &c. Et Henricus Fermor gener qui p̃ domina Regina in hac parte sequitur similit̃ idem vt̃ inde *Iur*, &c.

The Venire facias for the returning of a Iurie, to trie the cause betwixt the Queene and the partie indicted.

Elizabeth Dei gratia Angliæ, Franciæ, et Hiberniæ Regina, fidei defensor, &c. vic' Midd̃ salutem. Præcipimus tibi quod non omittas propter aliquam libertatem in Balliua tua quin Venire facias cor̃ N.M. maiore ciuitat̃ nostræ London, et sociis suis Iusticiarijs nostris ad goalam nostram de Newgate de prisonarijs in eadem ciuitat̃ deliberand̃ assigñ apud Iustice hall in le olde Bayly, die veneris scilicet xiij. die Iunij proxim̃ futur̃ ad horam primam post meridiem eiusdem diei vigint̃ & quatuor liberos et legales homines de vicinet̃ S. Margaretæ in Westm̃ in comitatu nostro Middlesexiæ, ad recogn. super Sacramentũ suum, si I. S. de Parochia S. Margaretæ in Westm̃ in com. Midd̃ geñ culpabilis sit de quadam transgressione et cõtemptu vnde idem I. S. indictatus existit, necne, &c. Et habeas ibi tunc nomina Iurat̃ pred̃ et hoc breue. Teste præfat̃ N. M. Maiore, pd̃ apud Iustice hall pd̃, septimo die Maij, Anno regni nostri quadragesimo secundo. Fermor. Mod. E.

Executio istius præcept̃ patet in quodam panello huic præcept̃ annex'.

Respons. { Roger' Clerke / Humphred̃ Welde } vic'.

An Indictment of Burglarie, and for hanging vp the good man of the house by the thumbes vpon a beame with pot-hookes, and for binding with cordes the good man of the house and his wife, and for taking out of a chest fiue pounds in money.

IVrat̃ præsentant, qd̃ G.C. nuper de M. in Com̃ Cestriæ et alij ignot̃ xvj. die Martii, Anno regni Edwardi sexti Dei gratia Angliæ, &c quinto Sect. 367.

quinto circa horam vndecimam in nocte eiusdem diei apud A. in com C. domum cuiusdam R. W. vi & armis, viz. baculis gladijs & dagarijs burglariter ac felonicè fregerunt & intrauerunt, Ea intẽtione ad spoliand & depredandum prædict' R. W. & in prędict' R. W. ac R. W. filium suum & Ioh. vxor eius adtunc & ibidem insultum fecerunt, & ipsũ R. W. cum quodam instrumento vocat put-hales, pollices ipsius R. W. super trabem, vocat a beame, domus prędict' ipsum adtunc & ibid suspenditur & prædict' R. W. & Ioh. vxor eius cum cordis ligauerunt & xx.s. in pecunijs numerat in quodam cisto content de bonis & catallis prędict' R. W. adtunc & ibidem inuent felonicè ceperunt, asportauerunt, & spoliauerunt, vi et armis, ac contra pacem dicti Domini Regis, ac contra formam statuti in huiusmodi casu ædit et prouis.

An order to be obserued in the right framing of Indictments.

Quis, quando, vbi, quid, cuius, quomodo, quare.

Quis. Quis, The person with his name, surname, addition of the Towne, Countie, Art, and degree.

Quando. Quando, The day and yeare.

Vbi. Vbi, The place, Towne, and Countie.

Quid. Quid, The thing taken, the colour, the marke, the price and value.

Cuius. Cuius, The owner of the thing, and whose it was.

Quomodo. Quomodo, The manner of the doing, and how.

Quare. Quare, The intent, which is comprised in this word (Felonicè.)

SYMB.

SYMBOLEOGRAPHY.

Of Compromise and Arbitrements.

A Compromise defined.

A Compromise or Submission, Arbitrium, Compromissum, Submissio, is the facultie or power of pronouncing Sentence betweene persons at controuersie, given to arbitrators by the parties mutuall priuat consent, without publique authoritie, 8. Ed. 4. 2. Sect. 1.

Compromise diuided.

Euerie Compromise is generall or speciall, Dyer 217. placit 6. 4. Eliz. Sect. 2.

Compromise generall.

A Generall Compromise is of all quarrells, actions, executions, and demands, &c. Sect. 3.

Compromise speciall.

A speciall compromise is euery submission to order, which is not so generall as when it is of certaine matters, facts, or things only, as of Trespasse, or of all actions of Trespasse, or of a plaint or debt, or detenue, &c. Sect. 4.

Parts of Iudgement.

As of euery other iudgement, so of iudgements which grow by compromise, there are two parts, the persons and the question. Sect. 5.

Persons in iudgements.

Persons chiefely regarded in compromise, are the striuing parties, & the Arbitrators. Sect. 6.

Persons striuing.

The parties striuing be they between whom the controuersie dependeth, and which compromise the same, Dyer 217. 4. El. Sect. 7.

Persons striuing two.

And they must be two at the least, namely the plaintife and the defendant, of which sometimes there be tvvo or more of a side. Sect. 8.

The Plaintife.

The plaintife is he which mooueth the question.

The defendant.

The defendant is he against whom the question is mooued.

What persons may compromise, and what not.

All persons both male and female may compromise, but such as are prohibited by nature or by law. Sect. 9.

Impediment to compromit.

Sect. 10. BY nature some are prohibited to compromit through defect of the mind, and some through defect of the bodie.

Impediment in mind natural.

Sect. 11. THrough the defect of the mind, is when either age is such, that by nature they want discretion, or being at age they want it, either naturally or casually: as infants under xij yeares old, 10 H. 6. 14. 18. E. 4. 2. 7 E. 4. 5.

Impediments in mind casual.

Sect. 12. AS furious mad lunaticks during their lunacie, 12 E. 4. 8. and 3. deafs.

Impediments in bodie.

Sect. 13. DEfect of the body is such infirmitie as hindreth the principal senses necessarie for the attaining of knowledge, as dumbnesse, deafnesse, and blindnesse.

Dumbnesse and deafnesse naturall and casual.

Sect. 14. AS therefore persons by nature dumbe and deafe cannot compromit, as it seemeth, for they cannot have understanding, neither can they grant, Perkins Sect. 25. But persons blind, dumb, and deaf by chance, which can write & read, may well by writing compromit

Impediments legall, subiection, joynt power.

Sect. 15. SUch persons seeme prohibited by law to compromit, as be subiect to others power, or have only joynt power with others, as bondslaues, or villeins, lest the award should become void on their part, 35 E. 3. 28.

Coverture.

Sect. 16. IN like manner women covert without their husband, 2. H. 5. 9 E. 3.

Death civill.

Sect. 17. AS persons civilly dead, as Monkes, Friers, Chanons, professed Nuns, and such other votaries which be in subiection to their soueraignes, 14 H. 8. 16. 2 R. 2. 5.

Compromise.

Sect. 18. HEreunto may be added men compelled to submit by threats, or imprisonment, 8 Ass. 25. 7 E. 4. 21. for in submission the consent ought to be free.

Attainder and outlawrie.

Sect. 19. OF this sort also are persons attainted of felonie or treason, and persons outlawed or waived in personall actions, for they have no goods, 36 H. 6. 26. 36 H. 6. 47. 21 H. 7. 7. 8 E. 4. 4. 5 H. 7. 16.

Joynt power.

Sect. 20. PErsons prohibited to compromit for that they have onely joynt power with others, are the single members of every corporation,

without

without their fellow members, as a Deane without a Chapter, an abbot without his Couent, a Maior without his Comminalty, the Master of a Colledge or hospitall without his fellowes, and so of other societies and guilds. 21 E. 4. 13. And inward it seemeth that such persons onely may of themselues compromit, as may of themselues make good grants.

Arbitrators defined.

AN arbitrator is an extraordinarie iudge which is chosen, and hath power to iudge, giuen to him by the only mutual consent, will compromise and election of priuat persons striuing, to the end they may decide their controuersies. 19 Hen. 6. 36. who because the controuersie is committed to his pleasure and arbitrement, is termed an arbitrator, and for that it is done by the mutual promise or compromise of the parties, he is called Comprimiss. iudex, Dyer 5 36. 19 El. 39. Mar a Iudge hauing cognisance by the compromise of the parties; his power is larger than the power of any ordinaris or other extraordinarie Iudge appointed by a magistrate, for an Arbitrator hath power to iudge according to the compromise after his owne mind, as well of the fact as of the Law, not obseruing the forme of Law, but the other Iudges are tyed to a prescript forme limitted to them by the law or magistrat, of which they be onely executors. For which cause Tully saith well, Aliud est iudicium, aliud arbitrium; nam iudicium est pecuniæ certæ, arbitrium incerto: ad iudicium hoc modo venimus, vt totâ litis summa abituri simus, aut amittamus; at arbitrium hoc modo adimus, vt neq; nihil nequantum quant postulamus consequamur; whence springeth this old saying, He that putteth his coat to saying is like to lose a quarter. Sect. 21.

The choice of Arbitrators.

SEeing then the power of Arbitrators is such, and so great and vncontrollable, warinesse must be vsed in the choice of them. In which two things seeme necessarie to be regarded, namely that the arbitrators be sufficient and indifferent. Sect. 22.

Sufficiencie of Arbitrators considered.

TOuching their sufficientie, such persons are to be elected as haue sufficient skill of the matter compromitted and haue neither legall nor naturall impediments to giue an vpright sentence. Naturall impediments be through defect of mind or bodie. naturall impediments through defect of mind be infancie, (for infants by reason of their tendernesse of yeares, want discretion to manage themselues and their owne affaires) madnesse, and Idiocie, for they who are matmed with these blemishes are vtterly void of vnderstanding. And although I haue read some examples of sage sentences giuen by fooles, yet dare I not aduise my friends to expect alwaies the like at their hands. As this: Sect. 23.

A fooles arbitrement.

Sect. 24. That an hungrie beggar espying daintie cheare in cookes shop, hasted thither, and being set downe did eat a small piece of his owne brean, and incontinently receiued such wonderful comfort by the swéet smell of the cooks cates and sautes, wherof he tasted no bit, that he confessed his eager stomack was as well satisfied therwith, and had as good a repast as if he had indéed stuffed his paunch with the best cheere there: which the Cooke hearing, strait waies with a stern countenance bids the poore caitife pay for his breakefast, whereat the simple guest was mightily amased, and the craftie cooke so much the more earnest; in so much as this poore man and the cooke were content therein to abide the ward of him that should next passe by: no sooner was the submission made, but thither commeth a most notorious naturall fole, to whom as their Iudge they rehearsed the matter; which being heard, the Ideot caused the poore man to put so much monie betweene two basons as the couetous cooke exacted, and to shake them in the Cooks hearing: which done, this Arbitrator awarded, that as the cooke had fed the poore man with the onely smell of his cates, so the poore man should pay him therefore with the onely sound of his coine, which sentence was highly approoued of the hearers.

A simple Magistrates Arbitrement.

Sect. 25. Not much vnlike to this is that which is reported of a couetous Churle, who sorrowed extreamly for that he had lost a purse with one and twentie Angells in it. But an honest man hauing found the same, of méere conscience deliuered it to the same churle, who not once thanking him that was the bringer, fell to account his coin, and finding onely twentie Angells in the purse, with great rigour exacted the odde Angell; and because the honest man denied the finding thereof, hee commented him before a Magistrate of a Corporation, whose wealth and authoritie far exceeded his wit (as in such places commonly happeneth, for that affection and simplicitie be their ordinarie electors.) The plaintife sweareth, there were one and twentie angels in the purse which he lost; the Defendant, that there were onely twentie in that which hee found. Whereupon the Magistrate pronounced, that the purse found was not the plaintifes, and therefore adiudged him to restore vnto the defendant the purse with twentie Angells, leauing the plaintife to good fortune for the finding againe of his purse with one and twenty angels. I thinke a man may trie a thousand fooles in the like cases, before hee receiue the like sentence.

Defects of the bodie in Arbitrators.

Sect. 26. The defects of the bodie hindring iudgement, are infirmities, by the which the principall sences necessarie for the apprehension of know-

knowledge, or impaired, as by deafenesse, dumbnesse, and blindnesse.

Arbitrators indifferent, who are?

And for indifferencie, it is good that the Arbitrators be void of malice and fauour to either of the parties, that they be not notorious by outlawrie, excommunication, or suspected of any other notorious crime, that they be neither irreligious nor couetous: For albeit, as it is said, an Arbitrator hath herein absolute power, yet ought his iudgemẽt or censure to be sincere and incorrupt, according to right and equitie, without malice, flatterie, and euery other vicious affection or perturbatiõ which may in any sort lead him awry from the right of iustice and equitie. Sect. 27.

Hitherto of persons in submissions.

The Question.

The question which containeth the matter of the arbitrement followeth. Sect. 28.

The Question is a thing in controuersie declared to the Iudge or Arbitrator, to the end it may by him be decided, Dyer fol. 226. 4. Eliz. pla. 6.

The Question double.

And euerie question is either about the fact, or about right. Sect. 29.

The question of the fact.

A Question of the fact is, when such a fact is enquired of as is doubtfull. Sect. 30.

The question of right.

The question of right is when the fact being known, it is yet doubtfull how much is thereby growne right and due to each partie by law. Sect. 31.

What is to be considered in each question.

And in euery question hereupon arising, it is to be considered whether the thing in question be arbitrable or no: for in vaine it is to compromit things not arbitrable. Let vs therefore see what things be arbitrable, and what not. Sect. 32.

What things are arbitrable, and what not.

Things and actions personall incertain be arbitrable: as trespasse, award taken awaie, &c. 22 H. 6. 39. 14 Henr. 4. 2. 4. H. 6. 17. But things certaine are not arbitrable but when the submission is by specialtie, if they be not ioyned with others incertaine: as debt with trespas, 4 H. 6. 17. 2 H. 5. 2. 12 R. 2. Dyer 33. H. 8. f. 51 pl 14. Sect. 33.

But chattels reall or mixt are not arbitrable by themselues: as charters of lands, 9 H. 6. 60. 14 H. 4. 24. if the submission be not by specialtie, 19 H. 6. 3 H. 6.

Also an Annuitie is not arbitrable, if the submission be not by speciaItie, 9 H.6.60. 14 H.4.18. 3 H.4.6.

Nor a freehold, 11 H.4.12. 14 H.4.18. and 19. and 24. 54 E.3.16. 12. Ass. pl 26. 21 E.3.15.

Nor debt vpon arrerages of account before Auditors, 4 H.6.17. because such debt is due by record, 3 H.4.5. 6 H.4.9.

Also it seemeth, that neither such things as were not in rerum natura at the time of the submission, though they happen to bee before the award made be arbitrable: as if the submission be of Ewes with lambe, which after the submission, and before the award made haue lambes, it seemeth they haue no power to make any award touching the Lambes.

Matters concerning the commonwealth seeme not arbitrable, as all criminall offences, as treasons, felonies, &c. touching the crime, for it is for the benefit of the cõmonwealth, that such offendors be made known and punished.

Also causes matrimoniall seeme not arbitrable, lest men should seperate those whom God hath ioyned together.

Circumstances regarded in submission. First that it be in writing.

Sect. 34. NOw that wee haue set forth the persons and things necessarie in euery compromise, it is good to consider such other circumstances as be requisite in the same.

Three things therefore beside the persons and things are meet to be obserued in euery compromise.

First that euery compromise be made by writing with the parties, couenants, or bonds, sufficient to bind their heirs and executors to performe the award which shall thereupon be made, that both the arbitrators may know their power, and the parties how far they are subiect to their sentence; and also lest their labour and iudgement therein should be frustrate for want of means to compell the same to be executed.

Of the power giuen to Arbitrators.

Sect. 35. SEcondly, it is behouefull that the verie compromise arme the Arbitrators with sufficient authoritie to doe all things necessarie for the ending of the cõtrouersies, as to appoint times and places for their meeting, to examin and decide the matter compromitted, and to bring the parties with their proofs, euidences, and witnesses thither together before them, and to punish the persons defectiue, and to expound and correct such doubtfull sentences and questions as may arise vpon their award inconuenient to either parties, contrary to equitie and the arbitrators good meaning, which inconueniences could not by them be foreseene at the making of the award, as it oftentimes happeth: for temporis filia veritas, truth is the daughter of time.

Of

Of time and place.

Thirdly, that by the compromise convenient time and place bee limitted for the yeelding vp of their award to the parties or their attornies, deputies, or assignes, lest the parties should otherwise bee long lingered with vaine hope of an endlesse end, and that the Arbitratours may before the set time finish their award; for whatsoeuer they doe arbitrate after the time appointed is void, 8 H.6.f.18. Sect. 36.

And it is al void that is not contained in the submission, or necessarily depeding thereupon, 7 H.6.f.40. 8 H.6.f.18. 36 H.6.f.11. as shal more largely appeare when we come to the doctrine of arbitrements.

The instrument of compromise or submission may be made in forme following:

A compromise or submission, with covenants to performe the same.

This Indenture made, &c. betweene A.B. on the one partie, and C.D. on the other partie, witnesseth, that the said A.B. and C.D. doe by these presents willingly compromit and submit themselues and either of them, to the award, arbitrement, order, rule, dome, and iudgement of E.F. and G.H. arbitrators, indifferently named, elected, and chosen by the said parties, to arbitrate, award, order, decree, and indge, of and vpon all and all maner of actions, suits, quarels, debts, accounts, trespasses, controuersies, debates, and demaūds whatsoeuer, had, made, mooued, depending, or accrued, or which might haue beene had, or mooued betweene the said parties at any time or times before the date hereof, except one action of debt, &c. depending betweene the said parties in the N. Wales Court of Common plees, or before, &c. and except one debt of 4.li. due to the said A.B. by the said C.D. for the price of certaine corne, &c. and except all lands and tenements of the said A.B. and such like exceptions, &c. So alwaies, that the same arbitrators doe make their award, order, and iudgement, of and concerning the premisses to be made by writing indented vnder all their hands and seales, on this side, and before the tenth of June now next insuing, and one part of the same deliuer or cause to be deliuered by the said Arbitrators to the said A.B. or his certaine Atturny or atturnies in that behalfe requiring the same, the said tenth day of June now next comming, at or in the parish Church of K. in the said countie of York. And the other part of the said award to the said C.D. his atturnie or atturnies, deputie, or Assigne, requiring the same at the said day and place and so alwayes, that the said arbitrators doe not by the said award order or appoint any act or acts, thing or things, to be don or performed, by, or to any person or persons, other than to or by the said parties to these presents, their heires, execut. administrat. or assignes, or some of them, and not to or by any estranger or estrangers to this present submission. And the said A.B. Sect. 37.

and

and C.D. and either of them for themselues, their heires, Executours, and administrators, and the heires, executors, and administrators of either of them, doe by these presents mutually couenant, conclude, promise, and agree to and with the other his executors and administrators, and euery of them, that neither they nor either of them will at any time hereafter reuoke the authoritie hereby giuen to the said Arbitratours, nor discharge them nor either of them in the said facultie or power of arbitration. And that they and either of them, and the heires, Executors, administrators, and assignes of either of them, on their seuerall parts, shall and will well and truly obserue, performe, fulfill, and keepe all and euery clause, sentence, article, submission, and agreement in these presents mentioned on his or their part to be performed and kept, according to the tenor, true entent, and meaning of the same. In witnes whereof the said parties to these presents haue interchangeably set to their hands and seales, the day and yeare aboue written.

Of binding the parties to performe the award.

Sect. 38. OR the parties may submit themselues to award by obligation, with condition according to the effect of the said Instrument of submission, but that seemeth perilous, for that so they may for a trifle hazard the whole penaltie of the bond, which were too too mischieuous. Neuertheles if any be willing to aduenture, the parties may be bound either to other, and the condition may be made in forms following.

The condition of an Obligation to performe an award.

Sect. 39. THe condition of this Obligation is such, that if the aboue bounden A.B. his heires, executors, administrators, and assignes, and euerie of them do on his and on their part and behalfe, well and truly stand to, obey, performe, fulfill and keep the award, arbitrement, order, rule, doome, and iudgement of S. W. and W. R. arbitrators, indifferently elected and chosen, as well on the part of the said A.B. on the one partie, as on the part of the aboue named C.D. on the other partie, to arbitrat, award, order and iudge, of, and vpon all and all maner of actions, suits, quarrels, debts, accompts, trespasses, controuersies, debates, and demaunds whatsoeuer had, mooued, depending, or accrewed, or which might haue been had or mooued, betweene the said parties at any time or times before the date hereof, except one action of Ejectione firmæ, depending betweene the said parties in the kings Maiesties court commonly called the kings Bench, as by the Records thereof in the same court remaining, it doth and may appeare, and except out of this submission, all landes and tenements of the said A. B. (or any like exception.) So alwaies that the same award, arbitrement, order, and iudge-

iudgement, of, and concerning the premisses be made by writing indented vnder all their hands and seales before the first day of December now next ensuing, and one part of the same deliuered or caused to be deliuered by the said arbitrators, to the said A.B. or his certaine atturny or atturnies, deputy or deputies in that behalfe requiring the same the said first day of December now next insuing, at, or in the Parish Church of R. in the said Countie of Yorke: and the other part of the said award be likewise deliuered by the said arbitrators, to the said C.D. or his certaine atturney or atturnies, deputie or deputies in that behalfe requiring the same, at the said day and place. And so that by vertue or occasion of the said award neither of the said parties, nor the seuerall heires, executors, or administrators, of them, or any of them be to do any act or thing, to or by any stranger to the same award and to these presents. And so as the said A.B. do not discharge the said arbitrators before the said time. That then this present obligation to be vtterly void and of none effect, or else to stand, remaine, continue, and be in full strength and vertue.

Of the condition to performe an award of lands.

AND if the award be concerning a title to land, the words in the condition may be thus:

As well, of, for, and concerning the right, title, interest, vse, possession and demand, of, and in the manor of S. with the appurtenances in S. in the said county of Y. and all lands, tenements, and other hereditaments with the appurtenances in S. aforesaid, in the occupation of the said A.B. and his assignes, as, of, and vpon all actions, trespasses, suits, quarrels, debts, duties, debates, griefes, inconueniences, and demands, had, moued, stirred, or depending, betweene the said parties, concerning the said manor, tenements, and premisses, or any part thereof. And also, if the said A.B. before the feast of Y. now next comming, doe shew vnto the said arbitrators, all such writings as hee hath concerning the said manor and premisses, at such time and place, as the said arbitrators shall appoint for the sight thereof. So alwayes that, &c. vt supra. That then, &c. vt supra. Sect. 40.

Whether power to arbitrate may be assigned.

AN arbitrator chosen cannot grant, or assigne ouer his authoritie of arbitration to any other, 8. Ed. 4. fol. 1. & 9. because it is but a nude power, which is not to be granted ouer: notwithstanding the opinion in 47. Ed. 3. 20. to the contrarie. Neither doth the submission extend to giue the arbitrators power to elect others. Sect. 41.

Whether

Whether the Compromittors may discharge the Arbitrators, or no.

Sect. 42. And it seemeth that albeit the parties haue agreed vpon dayesmen or arbitrators, yet before the arbitrement made, either of the parties may reuoke the authoritie giuen to the arbitrators, and discharge them thereof, for power may be countermanded, but if the submission be made by bond, then the bond seemeth to be forfeited, 5. Ed. 4. 1. 21. H. 6. 30. 28. H. 6. 6. 49. Ed. 3. 9.

But by Ashton Iustice, if two plaintifes and one defendant, or two defendants and one plaintife put themselues to the award of others, neither the one plaintife without the other, nor the one defend, without the other, may discharge the arbitrators, 28. H. 6. 6. And by Finch 49. Ed. 3. 9. If the submission be by deed, the discharge must be likewise by deed. So much of submissions, arming the arbitrators with power. Now of arbitrements issuing from the same.

What an Arbitrement is.

Sect. 43. An arbitrement, or award therefore, arbitramentum, laudum, arbitratus, Libr intration debt in arbitr 2. et 3. is nothing else but the very dome, order, and decree pronounced by arbitrators vpon the controuersie, for the ending whereof they were chosen by the striuing parties, Dyer 356. 10. Eliz. pla. 39.

Of things regarded in Arbitrement.

Sect. 44. In the forme of euery Arbitrement, fiue things are specially to bere-garded.

First, that it be made according to the verie submission or compromise touching the things compromitted, and euery other circumstance, as is said, 9. Ed. 4. 44. Plow. 396. a.

Secondly, that it be a finall end of the controuersies compromitted, 19. H. 6. 36. 21. Ed. 4. 38.

Thirdly, that it appoint either partie to giue or doe vnto the other some thing beneficiall in apparance at the least, 43. Ed. 3. 28. Dyer 356. 19. Eliz. pl. 39. 12. H. 7. 39. H. 6. 9. 22. Ed. 4. 25. 7. H. 6. 4. 19. H. 6. 36. 10. H. 6. 19.

Fourthly, that the performance therof be possible, 22. H. 6 46. 8. Ed. 4. 1. et 9. 17. Ed. 4. 5. H. 7.

Fiftly, that there be a meanes how either party may by law attaine vnto that which is awarded vnto him, 5. Ed. 4. et 24. 17. Ed. 4. 5. 18. Ed. 4. 22. et 23. 5. H. 7. 23.

For if it faile in any of these points, then is the whole arbitrement void and of none effect, as it doth manifestly appeare by these speciall cases following. As,

An

An award that the parties shall obey the arbitrement of A. B. is void, for power cannot be assigned, 8. Ed. 4. 19.

An award that any of the parties shall be bound, or do any other act by the advice of the arbitrators, is not good, because they cannot make several awards, 18. Ed. 4. 22. 23. but that the parties shall be bound, or make an assurance by the advice of councell is good, 18. Ed. 4. 22. & 23.

Arbitrement that the parties shall be nonsuit in actions, is not good, for every award ought to be a satisfaction to the parties, and a determination of things compromitted, so as one partie haue amends, but when one hath bin nonsuit, he may begin again, 19. H. 6. 36. 21. E. 4. 38.

But an award that the parties shall make discontinuance and retrarits of their suits, is good, 21. E. 4. 38. 5. H. 7. 22.

If the submission be of diuers things, and the award onely of some part of them, yet is the award good, for that part notwithstanding, as if the submission be of all actions reall and personall, and the award of actions personall onely: and if be de iure & possessione, and the award is only de possessione, 19. H. 6. 6. per cur, notwithstanding the contrary opinion of Prisot, 39. H. 6. 9.

An award that an action shall be sued betweene the parties, by the advice of A. and B. is good, for that A. and B. in this case are not arbitrators, but executors of the award, yet quære, for it is uncertaine whether they will giue advice, or no, 8. Ed. 4. 1. & 4.

Arbitrement that the plaintife shall pay to the defendant x.li. and release to him all actions. And that the defendant shall release to the plaintife all actions, is good, 20. H. 6. 18. & 19.

Arbitrement that either partie shall release to other all actions, and that because the one hath trespassed more than the other, he shall pay to the other x.s. is good, 20. H. 6. 18. & 19.

Arbitrement that either party shall goe quite against other, is good, 20. H. 6. 18. & 19. 19. H. 6. 14. 19. H. 6. 36. 22. H. 6. 39 Dyer 356. 16. Eliz. pl. 39. 21. H. 6. that it is not good, if the submission were by parol, 9. Ed. 4. 8.

An arbitrement in trespas is not good, if it award not some thing to the plaintife for amends, 43. Ed. 3. 18.

In trespas of goods taken, it is no good award, that the defendant shall retaine part of the goods, & the plaintife haue the rest, 17. Ed. 3. 16.

In debt of x.l. it is no good arbitrement, that the plaintife shall retaine the one moitie, and the defendant haue the other, 45. Ed. 3. 16.

In trespas, award that if the defend. will wage his Law, that he is not guilty, that then he shall go quite, and that the plaintife shall release vnto him, seemeth good, 46. Ed. 3. 17.

Award,

Award, that forsomuch as the one hath done more trespasse then the other, therefore he shall give him a peny for amends, and that the other shall go quite against him, is good, 19.H.6.3.6.

By Prisot, if two submit themselues to arbitrement of all trespasses &c. and it is awarded, that the one shall make amends to the other, and nothing is awarded for the others benefit, this award is void, 7.H.6. 40.39.H.6.9.22.Ed.4.25. So if it were that the one onely shall go quite against the other, for an award must be finall, obligatory, and satisfactorie to both parties, 7.H.6.40. 19.H.6.36.20.H.6.18.

Award in trespas of goods taken that the defendant shall carrie and redeliuer the goods taken to the plaintife, is good, 12.H.7.14.& 15.

Award that the one party shall pay x.s. or enfeoffe, &c. is good, and the performance of either sufficeth, 21.H.6.22.H.6.52.

An award that one of the parties shall do an act to an estranger, is void, if the parties be not bound, 22.H.6.46.

Or if an award be to pay x.li. to an estranger, it is void, for how can he pay the same, if he will not accept it, 22.H.6.46. 8.Ed.4.1.& 9.

Or if the award be that he shall cause an estranger to enfeoffe the other partie, for he hath no meane to compell the stranger, 17.Ed.4.5. So if it be awarded that he shall be bound with sureties, 18 Ed.4.22. 23.5.H.7.23.

Arbitrement that money shall be paid at a day to come, is good, for the partie may thereof haue an action of debt after the day, if it be not paid accordingly, 20.H.6.12. 5.Ed.4.7. But award to doe any other thing at a day to come, is void, if the submission be not by speciall ie, because the partie hath no meanes to compel his aduersary to performeit, 5.Ed.4.7.& 24.

An award is void (as is said) if it neither be executed, nor any means by law for the execution thereof: as if it be awarded, that the one shall pay to the other x.li. this is good, for he may recouer the same by action of debt. But if it were awarded that the one should deliuer to the other an acre of land, or doe such like act executorie, it were void, if it be not delinered straight way, or prouision made by bond, or otherwise to compell the performance thereof according to the award, 19.H.6.36. 20.H.6.12. 5.Ed.4.7.19.Ed.4.8.

Thus much of the doctrine of Arbitrements, now of their seuerall formes.

An Arbitrement, or award of lands, by which the partie couenanteth to performe it.

Sect. 45. THis Indenture made, &c. betweene L.R. &c. of the one partie, and L.M. of &c. of the other partie, Witnesseth, that whereas there hath

hath bin, and yet is contention, variance, and suit betwixt the said parties, not only for and concerning the right, title, and interest, of and in certaine quantitie of ground, by estimation two acres, or thereabout lying in R. and adioyning to the Mill of the said T. R. in T. aforesaid, claimed by either of the said parties to be his owne land and inheritance: But also for and concerning certaine waies to the Mill of the said T. through the ground of the said R. from all the Townes, Villages, Hamlets, and other places in the North side of the riuer of D. bordering, lying, and being within the space of v. miles of the said Mill, and all other matters and controuersies betwixt the said parties. For the friendly ending and appeasing of which said variances & controuersies, the said parties haue compromitted and submitted, and by these presents do compromit & submit themselues, and all matters in variance aforesaid, to the order, arbitrement, award, dome, and iudgement of F. W. and T. W. Whereupon the said Arbitrators hauing viewed the said ground in variance, and perused diuers writings and euidences concerning the same, and heard the testimony and witnesse of diuers ancient men and neighbors dwelling nigh the said ground, as well touching the occupation and vsage of the said ground by the said T. R. and his ancestors, as also the said waies vsed vnto the said Mill, by the inhabitants aforesaid time out of mind, do make & declare their award, order, dome, and iudgement touching the premisses and euery part of them. And the said T. R. and L. P. do couenant and grant seuerally either of them, to and with the other, for themselues, their heires, executors, and administrators, in manner and forme following. And first the said Arbitrators doe order, award, and iudge, And the said L. P. is so contented and agreed, and accordingly doth couenant & grant, for him and his heires, to and with the said T. R. his heires, &c. that he the said T. R. shall and may frō henceforth haue, hold, occupy, and quietly enioy to him and his heires for euer, the said parcell or quantity of ground, containing by estimation two acres, lying and beeing on the North side of the riuer of D. directly ouer against the said Mill, and demesne lands of the said T. R. in T. aforesaid, as it is now bounded and meared forth with stones by the said Arbitrators, And shall also haue, and may take to his and their owne proper vse all the trees now standing or being, or that hereafter shall grow in and vpon the said ground, & all other profits and commodities comming of and vpon the said ground (only the thornes, briars, and herbage, excepted and forepriſed) with free liberty, entry, and passage, for the selling, hewing, leading, carrying away, and taking of the same trees, and all other the said profits and commodities (except before excepted) at all and euery time and times hereafter, at his and their pleasure. And

that the said T. R. his heires and assignes, and all & euery other person and persons, that shall come & bring any corne to the mill of the said T. R. called T. Mill, from the said townes, villages, hamlets, or any other place inhabited, shall haue free liberties, waies, and passage for the carrying, fetching, and bringing of their corne to the said Mill, aswell ouer and through the said parcell of ground set forth and meared as is aforesaid, as also through and ouer other the grounds of the said L. M. in R. aforesaid, in as ample and large manner and forme, as the inhabitants of the said townes, villages, and hamlets, or other places haue bene accustomed and vsed to do at any time heretofore, and as it is now most commonly vsed. * And shall and may tye and fasten any their horses, mares, or other beasts, wherewith they carry any corne to the said Mill, to any tree growing, or other thing, being in and vpon the said ground, so that the string, cord, or rope, exceed not the length of foure whole yards at the most. * And that the said T. R. his heires and assignes, shall & may lawfully at all and euery time & times, soo[ft] as need shal require, amend & repaire all and singuler the waies, and euery part thereof, for the ease, safegard, and passage of the inhabitants of the said townes, villages, hamlets, & places inhabited, comming & going to and from the said Mil, without any let, trouble veration, or contradiction of the said L. M. his heires or assignes, or any of them. And that the said L. M. his heires or assignes, shall at all times within the space of two yeares next ensuing the date hereof, make, knowledge, and suffer, or cause to be made, knowledged, and suffered, all and euery act and acts, thing or things, as shall be reasonably deuised or aduised by the said T. R. his heires or assignes, or his or their learned counsell, at the only proper costs & charges in all things of the said T. R. his heires or assignes, for the further and better assurance and sure making aswel of the said parcel or quantitie of ground, containing about ij. acres, as also of the said waies, in manner and forme before expressed, vnto the said T. R. his heires and assignes for euer, according to the true effect, meaning, and purport of these presents: In consideration whereof it is further ordained, awarded, deemed, and iudged by the said Arbitrat. * and the said T. R. doth so couenant, &c. that he the said L. M. his heires and assignes, shall and may haue, take, and enioy onely the grasse and herbage, with the thornes and briers yearely growing, or being in, or vpon the said parcell or quantity of ground so bounded or set forth, as is aforesaid. And in further consideration of the premisses, the said T. R. hath paied to the said L. M. at the insealing hereof, at the request of the said Arbitrators, the summe of xx. li. &c. * In witnesse whereof, not onely the said parties to these present Indentures of award interchangeably haue put their seales, and subscribed their names; but also

the

the said Arbitrators to both the parties of these Indentures, haue put their seales, and subscribed their names the day and yeare, &c.

Another Arbitrement of debt, where the parties are bound to performe it.

TO all true Christian people, to whō this p̄sent writing or auard inuented shall come, C. W. G. M. S. S. and L. M. of &c. send gree- Sect. 46.
ting in our Lord God euerlasting. Whereas diuers suits, &c. betweene T. W. & I. S. of &c. for pacifying, ouering, and ending whereof, the said T. W. & I. S. haue bound themselues either to other in the sum of M. li. of lawfull English money, by their seuerall obligations bearing date, &c. with conditions thereunder written, to stand to, &c. vt supra, of the said C. I. S. & L. Arbitrators indifferently elected and chosen, as well vpon the part and behalfe of the said I. S. as of the said T. W. to award, arbitrate, order, rule, iudge, end, and determine, al and al maner of suits, debs, actions, controuersies, debates and demands whatsoeuer, depending betweene the said I. S. and the said T. W. and W. W. his sonne and heire: so that the said award were made and giuen vp in writing vnder the hands and seales of all the said Arbitrators, at or before the &c. at &c. as by the said obligations and conditions amongst other things both and may appeare. Know you now, that the said C. I. S. and L. taking vpon them the charge & burden of the said award, and hauing deliberately heard the grieues, allegations & proofes of both the said parties, doe by these presents, arbitrate, award, order, deeme, and iudge of and concerning the premisses in maner & forme following, that is to say, First they do award, order, deeme, and iudge by these presents, that the said I. S. his executors, or administrators, or some of them, shall well and truly pay or cause to be payed vnto the said T. W. or his certaine Attorny, executors, or administrators, or some of them at or before the &c. at or in the &c. C. li. of &c. and at or before the, &c. other C. li. of &c. in full satisfaction of C C C. li. for paiment whereof the said I. S. stood bound to the said T. W. in and by seuerall obligations, whereof two are already forf. as thereby may appeare. Also the said Arbitrators do award, order, &c. that the said I. S. his executors and administrators, or some of them, at their or some of their costs and charges, shall before the &c. cause and procure, that all suits, bills, plaints & informations heretofore commenced against the said T. W. in any Court or courts what soeuer, either by or in the name of the said I. S. or by or in the name of H. S his sonne, or by or in the name of our Soueraigne Lady the Q. Maiestie that now is, and of euery or any of them, or by or in the name of any other person or persons, by the consents, meanes and procurements of them, or any of them, shall thence-

forthwith surcease, and be no further proceeded in by them, nor any of them or by the meanes, consent or procurement of them, or any of them. And before the, &c. be vtterly discontinued and made voide. * And the said Arbitrators doe further award, order, deeme & iudge by these presents, that for the sure payment of the said sum of CCCC. li. the said I. S. and G. S. within two dayes next after tender or deliverie of the one part of this present award to the said I. S. shall well and sufficiently make, seale and deliuer as their deeds to the said T. W. in &c. one obligation or writing obligatorie sufficient in the Law, wherin and whereby the said I. S. and G. S. shall acknowledge themselues, and either of them to be iointly and severally bounden to the said T. W. in the sum of CCCC. li. of, &c. with condition thereupon in due forme of Law indorced for the sure payment of ỹ said sum of CC. li. parcell of CCCC. li. at or in the, &c. before, &c. And the other CC. li. residue of the said sum of CCCC. li. at or before the &c. and at, &c. * Also the said Arbitrators doe further award, &c. that the said I. S. his executors or administrators, or some of them, shall and will before the, &c. at his and their owne proper costs and charges, cause and procure to be cancelled and made void one recognisance of CC. li. bearing date the &c. knowledged and enrolled in the K. Maiesties high Court of Chancerie, wherein and whereby the said T. W. standeth bounden to the said I. S. in the said sum, with condition thereunto annexed, that if the said T. W. his heires, executors, and administrators, and euery of them, should well and truly obserue, performe, fulfill, and keepe all and euery the couenants, grants, articles, and agreements, which on his and their parts were to bee obserued, performed, fulfilled and kept, conteyned and specified in one indenture, bearing date the &c. had and made betweene the said T. W. on the one partie, and the said I. S. on the other partie, concerning the marriage of W. W. son and heire apparant of the said T. W. & A. S. daughter of the said I. S. according to the true intent, purport and effect of the said indenture: That then the said recognisance to be void, and of noeffect, or else to stand, &c. as by the said recognisance & indenture more plainly and at large appeareth. * And also that the said I. S. his executors, or administrators, or some of them, shall, and will before the feast of, &c. deliuer, or cause to be deliuered vnto the said T. W. his executors, or administrators, or some of them, in the said new dwelling house of the said T. W. aforesaid, the said indentures of couenants, concerning the foresaid marriage, cancelled or to be cancelled. In witnesse whereof the said Arbitrators to both parts of this present award indented, haue set their hands and seales. Dated, &c.

An Arbitrement or award of debt made by an Earle vpon submission by bond.

TO all true Christian people, to whom this present writing of award indented shall come, The right Hon. G. Earle Marshall of England, &c. sendeth greeting, &c. Whereas diuerse suits, variances, controuersies, & debates, heretofore haue bin had, moued, & depending, betweene L. G. of T. in the county of Y. yeoman, on the one party, and F. M. of D. in the said county gentleman, on the other party: for pacifying, ordring, and ending whereof, the said L. G. & F. M. haue bound themselues either to other in the sum of CCCC. li. of, &c. by their seuerall oblig. bearing date, &c. now last past, with condition thereunder written, to stand to, abide, performe, fulfill, and keepe the award, order, rule, dome, iudgemen. and determinatiõ of the said earle indifferently elected and chosen by the mutuall consent, and at the earnest & humble request and petition of both the said parties, to arbitrate, award, order, iudge, & determine of, for, and concerning all and all manner of actions, suites, quarrels, debts, duties, and demands whatsoeuer, had, moued, or depending, or which hereafter might be had, moued, or depend betweene the said parties, by reason of any matter, thing, or things whatsoeuer, accrued, or grown from the beginning of the world, vntil the day of the date of the same obliga. so that ỹ same award were made in writing indented, vnder the hand and seale of the said earle before the xix. day of &c. & the one part of the same writing indented, delinered, or caused to be delinered by the said earle to the said L. G. to his executors, &c. or any of thẽ, or to their, or any of their vse, vpon, or before the said xix. day of &c. at, or in the new mansion or manor house of the said Earle, called S. in &c. and the other part thereof to the said F. M. &c. vt supra, as by the said oblig. and conditions thereof both & may more at large appeare. Sect. 74.

Know you now, that the said earle of his meere good will and fauour which he beareth to both the said parties, and of the great and honorable respect, which he hath of their future quietnesse, taking vpon him the charge and burden of the said award, and hauing deliberately at sundry times at large heard and considered the griefes, allegations, and proofs of both the said parties, doth by these presents arbitrate, award, order, deeme, and iudge, of and concerning the premisses in maner and forme following, viz. That the said F. M. his &c. or some of them, shall well and truly pay, or cause to be paied vnto the said L. G. his, &c. or some of them, the summe of Cxx. li. of &c. in the &c. in manner and forme following, viz. vpon, &c. lxx. li. thereof, and vpon, &c. other lxx. li. thereof residue, and in full payment and satisfaction of the said summe of Cx. pound. And that in consideration thereof, the said L. G. shall permit, and suffer all suits, actions, quarrels, debts, duties, and

demands, growne before the date of the said obliga. to cease, and be discontinued, and no further prosecuted by him, or any other by his procurement. * And furthermore, forasmuch as the said F. M. is charged, as is aforesaid, for the paiment of the said sum of Clx. li. partly by reason of a iudgement heretofore giuen for the said T. G. against one L. S. in the K. maiesties Court, commonly called the Kings Bench, in action of debt, in which the said T. G. hath recouered against the said L. S. CClxxv. li. and iij. d. as by the record thereof remaining in the said Court appeareth. His honor doth further award by these presents, in releise and ease of the said F. M. that if the said F. M. his, &c. or any of them, do well and truly pay, or cause to be paied, the said sum of Clx. li. according to the true meaning of this present award. And if the said L. S. his heires, &c. or some of them shall not well and truly satisfie, content, and pay vnto the said T. G. his, &c. the said seuerall summes aboue in this award appointed to bee paid by the said F. M. before the seuerall dates herein aboue mentioned: That then and at all times after any such default of paiment so to be made by the said L. S. his, &c. the said T. G. his, &c. shall permit and suffer the said F. M. his executors and administrators, and euerie of them, at the costs and charges of the said F. M. his executors and administrators, effectually to prosecute, or cause to be prosecuted all and euery such execution and executions, vpon the said iudgement so had for the said T. G. against the said L. S. as to them, or any of them, or the learned counsell of them, or any of them shall seeme good. And all and euery summe and sums of money thereby to be obtained, to take and conuert to the onely proper vse and behalfe of the said F. M. his executors and administrators, without any account, recompence, or payment thereof, or therefore to be yelded or made to the said T. G. his, &c. or any of them: any thing in this present award contained, &c. notwithstanding. * In witnesse whereof, the said Earle to both the parts of this present award hath set his hand and seale, Dated, &c.

All such couenants & conditions as be vsually made for the assurãce or enioying of lands or tenements, goods, and chattels, may be inserted into awards, as shall seeme good vnto the Arbitrators or parties.

Of notice of the Arbitrement.

Sect. 48. And when the Arbitrators haue made their award, according to the submission, albeit perchance they be not bound to giue notice thereof to the parties, yet it seemeth here requisite, that they should in due time, before that either partie be to performe any part thereof, notifie the same vnto the, lest otherwise they might breake their bonds or couenants in that behalfe (if any such be) before they knew the same. Notwithstanding, that the bookes in 8. E. 4. 1. & 9. be doubtfull in that point.

The

The finall cause and effects of Arbitrements.

And thus, by that which hath bin discoursed, it sufficiently appeareth (as we thinke) that the scope and end of Arbitrements, and other Iudgements, is all one: And chiefely, the finall determination of strife, suit, and controuersie, 19. H. 6. 36. And so consequently their effects be almost equall. But the Lawes seeme more fauourable to Arbitrements than other Iudgements, insomuch, as by Arbitrators the strict course & tedious ceremonies of Law suites (which are most commonly wont to wearie suiters, and picke their purses) are cut off, and shorter decisions by them made, with little or no cost at all. Sect. 49.

We deferre to shew how Arbitrements may be pleaded in barre of other actions, vntill we come to their fit place amongst our presidents of pleadings, and so end this Treatise.

An award made by an Arbitrator touching Copyhold Land, betweene an Alderman of London, and another.

TO all Christian people, to whom this present writing of award indented shall come, H. L. of Lincolnes Inne, in the Countie of Middlesex Esquire, sendeth greeting in our Lord God euerlasting. Whereas suit, variance, and debate heretofore hath beene, and yet is had, moued, and depending, aswell in the Queenes Maiesties Court of Requests, as in diuerse other Courts, betweene R. H. Citizen and Alderman of London of the one party, and R. E. of R. in the Countie of M. yeoman of the other party, of, for, and concerning the right, title, vse, interest, and possession of diuerse lands, tenements, and hereditaments, with the appurtenances, lying and being in R. within the Manor or Lordship of L. within the said Countie of M. and containing by estimation about two hundred acres of land, meadow, pasture, and wood, commonly called or knowne by the name of Webines Land: for the appeasing, finall end, and determination of all which said suites, variances, and debates, the parties aforesaid haue submitted and compromitted themselues to stand to, obey, and performe the arbitrement, ordinance, dome, and iudgement of me the said H. L. Arbitrator, indifferently elected, named, and chosen by both the said parties, indifferently to arbitrate, order, deeme, award, and iudge, as well of, for, and concerning the estate, right, title, interest, vse, and possession of all and singular the said premisses, and euerie part and parcell thereof, as also of, for, and vpon all manner of actions, suites, quarrels, debts, debates, trespasses, and demaunds whatsoeuer, heretofore had, moued, stirred, or depending betweene the said parties, from the beginning of the world vntill the twentieth day of November last past, as by their seuerall writtings obligatorie, wherein Sect. 50.

either of the said parties stand bounden to the other of the same parties in the summe of CC. li. bearing date the said xx. day of Nov. and made for the true performance of the said award, more at large it doth and may appeare. Whereupon the said H. T. having taken vpon him the charge and burden of the said arbitrement; And having present before him both the said parties, and having also verie aduisedly and deliberately weighed and considered the titles, claimes, allegations, and proofes, of either of the said parties to the said premisses; And vpō sight and due consideration of all the euidences, writings, & proofes shewed and made before me the said H. T. by both the said parties, do award, arbitrate, order, deeme, and iudge of the premisses in maner and forme following: that is to say, First, I the said arbitrator do award, deeme, order, and iudge, that the said R. E. or his heires at all times within three yeares next ensuing the date of these presents, vpon lawfull and reasonable warning by the Steward, Baylife, or Reeue of the said manor of T. for the time being, shall at the next Court so to be holden, then next after such warning had, surrender and giue vp into the hands of the said R. H. his heires or assignes in open Court, according to the custome of the said Manor, to the vse of the said R. H. and his heires for euer all and singuler the aforesaid lands, tenements, and hereditaments, hereafter in these presents mentioned, expressed, and declared: that is to wit, one mansion or dwelling house, wherein the said R. E. now dwelleth, with all edifices and buildings, &c. And furthermore, I the said H. T. doe award, ordaine, deeme, and iudge by these presents, that the said R. H. his heires or assignes at the said Court, where, and when the said surrender shall be so made, shall assure and conuey vnto the said R. E. or to his heires, that shall so surrender the premisses as aforesaid by copy of Court roll, according to the custome of the said Manor, or otherwise, as by the said R. E. his heires and assignes, or any of them, or by his or their learned counsell shall be reasonably deuised or aduised, and at the proper costs and charges of the said R. E. his heires and assignes, not altering by the said assurance or assurances so to be deuised or aduised, as is aforesaid, any custome, liberty, or iurisdiction of the said Lordship, manor, or other the premisses, with all and singuler the said Lands, Tenements, and hereditaments, and all other the premisses, with their appurtenances whatsoeuer, before by these presents ordred and iudged to bee surrendred as is aforesaid (4. acres of land now in the occupation of, &c. parcell of the premisses to be chosen by the said R. H. &c. onely excepted and foreprised.) To haue and to hold the same lands, tenements, and all other the premisses with the appurtenances (except before excepted) vnto the said R. E. and to his heires males incorrupt within the fourth de-

gree

grée of consanguinitie, according to the auncient customs of the said Manor. And if it happen that the said R. C. do decease before the said surrender made, as is aforesaid, Then to haue and to hold the said premisses with the appurtenances to the heires of the said R. C. which so shall surrender the same, and to his heires males incorrupt within the fourth degree of consanguinitie, &c.

An award reciting that either of the parties stand bound to other to performe the award. And that the award is made before the prefixed time in the Obligations, and with the full consent of both the parties.

TO all Christian people, to whom this present writing indented of award shall come, R. W. & R. C. send greeting in our Lord God euerlasting. Know ye that whereas variance, strife, debate and controuersie hath heretofore bin had, moued, and stirred betweene A. B. of C. and D. C. of F. of, for, and concerning the right, title, interest, vse, possession and occupation of, &c. for the appeasing & ending whereof, either of the said parties by their mutuall assents, consents and agreements, haue submitted, compromitted, and bound themselues either to other by their seuerall writings obligatorie, bearing date, &c. in the sum of, &c. to stand to, abide, obey, obserue, performe, fulfill and kéepe the award, arbitrement, ordinance, dome, and iudgement of vs, &c. Arbitrators indifferently elect and chosen, betwéen the said parties, of, and for the premisses, as by the said seuerall obligations with condition for the performance thereof more at large appeareth. Whereupon we the said Arbitrators taking vpon vs the labor, busines & charge of the same award, and willing to set the said parties at a finall peace, vnitie and concord, for and concerning the premisses, haue by good aduise and deliberation, séene, heard, and throughly examined both their titles, allegations, euidences and proofes, in and to the said premisses, and thereupon before the day and time appointed vnto vs by the said Obligations, for the making, giuing vp, and finishing of the said award, we the said Arbitrators by and with the full assent, consent, and agréement of both the said parties, doe make, publish, declare and giue vp this our present award betwéene the said parties, of, for and concerning the premisses, in maner and forme following. First, we award, ordaine, déeme, and iudge that, &c. Also we award, &c. And finally we award, ordaine, déeme, and iudge, &c. In witnesse whereof, we the said Arbitrators, and also both the said parties to the award, haue interchangeably put our hands and seales, the tenth day of M. in the twentieth yeare of the raigne of our Soueraigne Lady Elizabeth, by the grace of GOD of England, France, and Ireland, Quéene, Defendor of the Faith, &c. Sect. 51.

SYM-

SYMBOLEOGRAPHY,

Of the Chancerie, Proceedings in the same, and Supplications, Billes and Answers.

The Chancerie.

Sect. 1. SEeing, by Gods fauor, we intend somewhat to discourse of the manner proceeding in Chancerie suits, and to set downe some presidents therof, to the performing whereof, it seemeth requisite first to vnfold the nature of Equitie, conscience, and the rigour of the common Lawes of this Realme, as the proper obiect or matter whereabout such suits are for the most part occupied, to the intent it may with the more facilitie be vnderstood, how, and when such suites are fitly to be taken in hand. Therefore wee will first speake of Summum ius, (which oftentimes precisely regardeth the verie letter and words of the Common Lawes:) For remedie whereof, parties grieued, pray ayde of this honorable Court of Chancerie, to bridle extremitie, and reduce such rigour to Equitie and Conscience.

Of strict or precise Law, which is called Ius summum.

Sect. 2. ARistotle calleth it exact or precise Law, because that, if it haue no allay in it to qualifie the harshnesse and seueritie of it, it is vnpleasant and sowre in tast, and repugnant to Equitie.

And Budæus saith, that this word (strict and precise Law) is a word which, amongst the Ciuilians, signifieth verie hard Law, exact and full of rigor, and almost vniust: for they that write of the Law, make these words, strict Law, and Equitie, opposit the one to the other: thus farre Budæus. The Lawyers do also terme it, Ius subtile, subtill Law. Other Lawyers do terme it, Summum ius, law in the highest degree, or most exact, and it is so taken of them, when men stand more vpon the letter of the law, than vpon the meaning of the writer, or maker of the law. In which behalfe, it so falleth out oft times, that vnder a colour of know-

knowledge of the Lawes, many groſſe and dangerous erroꝛs be committed, Coraſius Miſſel. lib. 2. cap. 8. Nu. 12.

Oldendorpius diuideth this Ius ſummum, oꝛ Law in the higheſt degrée, into two bꝛanches: the one pꝛoper, the other impꝛoper.

Law in the higheſt degrée, ſo pꝛoperly termed oꝛ taken, is an vndoubted and infallible rule of honeſtie, which may generally without exception be put in execution in any common weale, whether it be oꝛiginally grounded vpon the law of Nature, oꝛ vpon the Law of Nations: Foꝛ examples whereof you may take all the rules and pꝛinciples of the Law, foꝛ theſe rules and pꝛinciples of the law, bee in their kinde, moſt ſtrictly and exactly deſine and bound out the matter which they handle, barely, and nakedly, without any regard of circumſtances of the fact that may fal out, of which ſoꝛt of rules are theſe. Kéep thy woꝛd, hurt no man: theſe are generall rules of Law in the higheſt degrée, ſo righteous and full of iuſtice in their kinde, that by the Law of Nature it ſelfe, better and moꝛe right full cannot be giuen, Lib. 1. F. de pactis.

But here you ſée no reſpect had to any circumſtance, of your woꝛd, oꝛ hurting, foꝛ this point belongeth to Equity, oꝛ the Court of Conſcience, which with vs is called the Chancery, as the caſe may fall out: and the law in the higheſt degrée, being thus pꝛoperly taken, is woꝛngfully termed by the common ſoꝛt of men, woꝛng in the higheſt degrée: foꝛ to ſpeake generally, and at a woꝛd, it is the iuſteſt reaſon that may be, whether naturall, oꝛ rationall, ſo farre is it from being to be rightfully taken woꝛng, vntill it be ſtretched, and as it were ſet vpon tenture hookes, to bee dꝛawne to ſome inconuenient circumſtance of the fact: as when a man doth couenant oꝛ giue his woꝛd to doe ſome diſhoneſt fact, oꝛ hurtfull and dangerous to the Common wealth. In which caſe, if a man ſhould weꝛſt this rule of Law, kéepe thy woꝛd, in ſtead of doing right in the higheſt degrée, he ſhould commit iniuſtice in ỹ higheſt degrée: not becauſe ỹ law hath any fault in it ſelfe, but becauſe through his erroꝛ, and cauelling with the Law, he woꝛketh wickednes, not iudging aright the circumſtances of the fact, wherein law and right ſtandeth, L. i. Si. F. de pactis.

Law in the higheſt degrée impꝛoperly taken, is ſaid termed, when by an ouer rigoꝛous and hard interpꝛetation it is dꝛawne to inconuenient kinds of facts, oꝛ by colourable agrément is dꝛawne to fruſtrate the good meaning of the law, L. Inciuile cum L. ſeq. F. de legibus. Many examples hereof we haue in the laweꝛ as it is a law, that no man ſhall be foꝛced againſt his will to cõmence oꝛ maintaine any ſuit oꝛ action: Now put the caſe that I. S. is woꝛngfully impleaded by I. N. who hath framed a cunning action full of gloſſens ſhew againſt him the ſaid I. S. But I. N. finding in concluſion that he is not able to proue

and

and make good his action, becommeth non suit, I. S. prayeth remedy of the Iudges against this wrongfull veration of I. N. and hee the said I. N. in defence of this wrongfull veration, vrgeth this rule of Law, that no man is compellable to maintaine an action: shall he be heard in this case? No saith Iustinian, this false glose of I. N. is not to be suffered or borne withall. This terme or word of Law in the highest degree being thus taken, we may well say, that Law in the highest degree is wrong in the highest degree. For the more subtilly that a man doth argue, and the more authorities he heapeth together, to inforce such a law, so much the more and greater wrong and iniustice shall be done.

Of Equitie.

Sect. 3. EQuitie is that which is commonly called equall and good and sometime equall and iust, and sometime equall, iust, Lib. 1. & Pen. *F.* de Iustitia & iure, *L.* si & ius *F.* certum petatur, Arist. termeth it Epieices, and other terme it Epicicean, which is as much to say, a mitigation, or moderation of the law written, in some circumstance, either of the things themselues, of the persons, or of the times. Law (saith Donatus) is that, that maketh all things streight, and not pliable to the one, nor other. Equitie is that, that dispenceth with many points of the law. Oldendorpius saith, that Equity is nothing else, but a sound or vpright will or iudgement of an honest man, nothing crafty or subtile, so measuring out to euery man that that is his, that in the meane while no man is wronged, as appeareth most elegantly in I. bona fides. & Incurrit *F.* depos.

Equitie as some other say, is a reasonable measure, containing in it selfe a fit proportion and rigor, so that it differeth from Law in this, that Law is a determinate sentence set downe according to the rules of the Law: But equitie is a certaine proportion and allay, vpon good occasions setting on side the common rules of the Law, and so they call it a ruled kinde of Iustice, allayed with the sweetnesse of mercy.

Equity is diuersly termed in the Law, sometime it is verie significantly called a Conueniency, because it ministreth amongst men, a fit proportion, answerable to the persons, the matters, the places, and the times. Sometimes, plaine dealing is called Equity, which is opposite to the dealing of man by nice points of the Law. Sometime it is taken for naturall Iustice, or the Law of Nature. Sometime it is taken for Law that is opposite to forged and deuised Law. Sometime it is taken for Religion, &c. And to be short, Equity is the correction or amendment of a good Law, which is defective in some part, by reason of the generalitie of it.

Of

Of the diuision of Equitie.

EQuitie is two fold, written and not written, for Equitie may be vsed both in scholes and places of Iudgement two waies: the one, by taking good heed, how, and in what sorte Princes and Lawyers haue obserued Equitie, in making and setting downe of Lawes, appointed to be rules and squares of mens actions: so that if at any time any case falleth out, which is in all points answerable to the Law, void of any different circumstance, which might require some change or alteration of the Law, they may accordingly frame their iudgements, being sure and out of doubt, that the law of Equitie is already chalked out of them. Sect. 4.

An other way Equitie is to bee practised in these particular factes, which daily fall out, and haue no certaine line & square set out for them in the Lawes already made, in that we must be forced to deliuer our iudgements in them, according to certaine circumstances, applied as nearely as we can, to the principles of our Law. And herein standeth the greatest vse of Equitie, made fit for Common weales: and therefore we may well call it an vnwritten Equitie, not because we ought our liberties to define and determine of it, without due regard had to the Law written, but because it taketh some libertie not to binde it selfe, to the generall rules of the Law. Sect. 5.

Of the efficient cause of Equitie.

GOD is the efficient cause of Equity, who hath so disposed of the nature of mankind, that we are not in any wise able to set downe a certaine rule for all vnknowne things, and yet hath bestowed vpon vs so much knowledge, as whereby we may frame certaine generall rules of honest life, which may serue for directions in all particular actions and facts, daily and hourely falling out amongst men, if they be duely and carefully examined by the rule of Equity, which hath her eye cast vpon all ordinarie circumstances. Sect. 6.

Of the materiall cause of Equitie.

THe Law of Nature, the Law of Nations, and good manners, are the materiall cause of Equitie, for a well minded man, and of sound iudgement will make of these three an wholsome and vertuous disciplable mixture for any Schoole and Common wealth. But the matter how to deale about this Equitie we will leaue vnto it selfe, as the affaires of men, infinite as they fall out. For no Law will be rightly ministred, if as matters fall out, the circumstances thereof duely considered, the ministers of the Law do not frame their Iudgements accordingly.

Of

Of the formall cause of Equitie.

Sect. 7. The formall cause of Equitie is the matching and leuelling of facts falling out, and the circumstances thereof, with the rules of the Law, as buildings are framed to Carpenters lines and squares.

Of the finall cause of Equitie.

Sect. 8. The finall cause of Equity, or effect is, to keep an equalitie amongest the state of men, who are at much oods and iarres amongst themselues, to the end the Common wealth may be preserued in safetie, which standeth for the most part in righteous iudgements.

Why Equitie is sometimes compared to a rule.

Sect. 9. NOt vnfitly is Equitie termed the rule of manners: for as by a rule the faults of a building are so discouered, so doth Equitie iudge a right, both of the written law, and also of all mens actions & behauiors: and therefore such as are ministers of Iustice, apply and frame their iudgements, after the square and rule of good and egall, that is to say, of Gods Law, and the Lawes of Nature. Against which Lawes, what iudgements soeuer be giuen, cannot but vnioynt and vnrighteous.

How Equitie and Clemencie differ.

Sect. 10. THere is a difference betweene Equitie and Clemencie: for Equity is alwayes most strictly knit to the will of the Law, which way soeuer it bends, whether to Clemencie or to seueritie. But Clemencie is only proper to the Prince, or those Magistrats, that haue like power & administration of Iustice, as Princes haue.

Of the difference betweene Equitie and strict Law.

Sect. 11. STrict Law and Equity differ herein, that strict Law doth set downe in a generall sort what it enacteth, and is seuere, and not to be moued one way or other: it taketh order for things, once for all: the grounds & principles which it bringeth forth are vniuersall & full of seuerity and sharpenesse, from which rules it will not start aside, no not the breadth of an haire. But Equitie is fitly compared to a Shoomakers shop that is well furnished with all sorts and maner of lasts for mens feet, where each man may be sure to find one last or other that shall fit him; be he great or small. It is not also vnfitly compared to an Apothecaries shop stored with all kind of drugs, fit for all the maladies & diseases of men. Which drugs notwithstanding, in case they should be vnskilfully compounded together, would in stead of healing, worke present death to the patient that should receiue them: for it requireth the industrie and exquisit

quisite art of a good Physition, to make a right composition, discerning and tempering by iust proportions good venims from euill. In like sort in affaires both publike and priuate, equity doth particularly & carefully examine the causes, the times, the circumstances, the sorts and differences of persons, and matters, and by former iudgement giuen in like cases, gathereth, and frameth an absolute and perfect deciding and determining the matter presently in question and suit.

And S. German to the like effect saith, Equitie is a righteousnesse tempered with mercy, which considereth all the particular circumstances of the deed, Doct. & Stud. lib. 1. c. 16.

This Equitie, saith hee, must alwayes be obserued in euery law of man, and in euery maxime or generall rule thereof, for that mens acts are so diuerse & infinite, that it is impossible to make any generall law which may aptly mèt with euery particular act, and not faile in some speciall case. Therefore Law-makers do foresee things which may oft happen: insomuch as strictly to obserue the word and tenor of the Law, were in some cases put against iustice and the commonwealth. Wherefore in such cases we must stick fast to that which reason and iustice requires, which is, that equity may mitigate rigorem iuris, which equity is no other thing, than an exception of the law of God, or of the law of reason, from the generall principles of mans positiue law, not agreeing with them in some particularity, which exception is inwardly implied in euery generall ground or maxime of the Law. And yet taketh not away the very right, but substituteth right in stead of that which by the only letter of the Law seemeth to be right, & is not. Neither may we therefore accuse the Law of cruelty, which (as is said) generally taken, is good of it self, & not cruel, though it reach not fully to euery particular circũstance of mens actions. And therefore if a law were made, that no man vnder the paine of death, should open the gates of a Citie before the Sunne rising, yet he who for sauing the citizens flying from their enemies to the same gate, openeth them before that time, offendeth not the intent and equitie of that Law, Do. St. lib. 1. cap. 6. Or if a Statute were made, that whosoeuer doth such an act should be put to death; yet if one of non sanæ memoriæ, or any infant of tender yeares, which wanteth discretion do such an act, they shall not therefore suffer death. Or if a Statute were made, that whosoeuer receiueth or aideth with meat, drink, or otherwise, J. S. an offendor knowing his offence, shal be accessary thereunto as a felon, yet if his wife knowing his offence receiue and aide him, she shall not thereby be a felon: For in the generality of such Statutes, mã, men, infants, and his owne wife are not intended to be included, but excepted by implication. By all which we may gather, that the outward words of the law onely are not the law,

but

but the inward sence and meaning thereof: For our Lawes (as all other lawes) haue two parts, that is to say, the flesh & soule. The letter resembleth the flesh, the intent and reason, the soule: Nam ratio legis est anima legis. The Law may be compared to a Nut, whereof the letter resembleth the shell, the sence the kernell, and as the profit of the Nut is not in the shell, but in the kernell; so the fruite of the Law is not in the letter, but in the sence: And as he which resteth vpon the shell loseth the fruit of the nut, so he which staieth vpon the letter wanteth the profit of the Law, for the letter is sometimes larger, and sometimes narrower then the intent which Equity regardeth, Plow. 9.b.465.a.

And Bracton of Equity writeth thus: Equitas est rerum conuenientia quę in paribus causis paria considerat iura, & omnia bene coæquiparat. Et dicitur æquitas quasi æqualitas, & vertitur in rebus, id est, in dictis & factis hominum. Lib. 1. c. 4. Sect. 35.

How the Chancerie is termed the Court of Conscience.

Sect. 12. As for so much as this Court bridleth the rigour of the Common Law, by giuing actions and exceptions for remedies where by Law none were, according to equitie and conscience, to maintaine æquum et bonum, the common people terme the Chancery the Court of Conscience: yet herein conscience is so regarded, that Lawes bee not neglected, for they must ioyne hands in the moderation of extremitie, Diuers. Cur 105. Nam ipse etiam leges cupiunt vt iure regantur, id est vt leui, facili, ac benigna interpretatione temperentur, vereq; dicitur, Nullus recedat à Cancellaria sine remedio, 4. H. 7. 4.

Of Conscience.

Sect. 13. This Conscience is defined, Reliqua in hom rationis scintilla, bonorum, malorumq; factorum, index & iudex: igitur & bipertita ea approbatio, sc. & opprobatio, illa in bene, hæc in secus factis. Iustus Lipsius lib. ciuilis doctrin cap. 5. thus,

Conscientia est tacitum animi infallibeleque facti nostri iudicium, à communi Iusticiæ formula, quam Deus insculpsit omnibus hominibus, productũ, per q̃ aut accusatur res mala aut defendit bona, Oldendorpius, Corasius in Miscel. lib. 4. c. 20.

Constience is an actuall applying of knowledge to some particulet act of man, as S. Germaine saith, Doct. & Stu. cap. 15. And Synderesis, which is termed a naturall power of the soule, perswading good and disswading euill, D. S. lib. 1. c. 13. and is nothing else but attenta obseruationis occasio cum omnibus circumstantijs eius, *Thucia lib.* 7. and ministreth the generall principles of that knowledge, Vere igitur dicitur, Cõscienc' verã nisi adhibeat, Iudex nõ potest causam sed æquitatem,

tatem definire, si mille testes totidemq; videat ob oculos instrumta: Conscientia enim (cum mille testium vim obtineat) certa est, non fallitur. At in probationibus sæpe vel error, vel dol' versat, sicut experientia heu nimis frequens nos docet. *Oldend.*

Of Iudgements in Chancerie.

SO great is the power, iurisdiction, and maiestie of this Court, that Iudgments therein giuen are not to bee controuled or reuersed in any other Court, than the high court of Parliament, which is the chiefest of all other Courts in this Realme, Diuer. Cur 105. 37. H. 6. 14. Sect. 14.

Of the power ordinarie of the Chancerie.

AND this Court is armed with twofold power, that is to say, with power ordinarie and absolute, 9. Ed. 4. 15. Sect. 15.

By ordinarie power the Lord Chancelor proceedeth as at the common Law, as in proceeding vpon Recognizances there knowledged, and trauerses of offices, in which parties are to plead and ioyne issues as at Common Law. And so in suit against or for, Clerke of the Chancerie, and other persons priuiledged by Attachment there for matter of action remediable by the Common Law, &c. But when they be at issue, the Record must be transmitted into the Kings Bench, to be tried by Iury. And when it is so tried, it must be remaunded into the Chancery, that iudgement may be there giuen, and execution had vpon the same, 24. F. 45. 14. E. 4 7. 8. E. 4. 6.

Of the power absolute of the Chancery.

THe absolute power is not tied to the rules of the Common Law, but by that matters may be examined omnib' vijs & modis quib' rei veritas melius sciri poterit, and iudged scdm allegata & probata, & not by Iurie of 12. men, as at the Common Law, But by examination of witnesses, as in the courts of the ciuil law, Smith de repub. Angl' li. 2. ca. 12. Diuers. Cur 106. 9. E. 4. 15. Neither is such precise forme of pleading vsed in the Chancery, as at the common law, nor any aduantage to be taken for mispleading, or want of forme, so as the substance of the matter be sufficiently disclosed in consctence, Diuer. Cur 106. 9. E. 4. 15. 24. E. 3. 45. 14. E. 4. 7. Sect. 16.

Diuers other speciall authorities and priuiledges hath the Lord Chancellor by sundry Statutes, as thereby appeareth. And partition made in the Chancerie rendring rent is good, and may well be sent into the Kings Bench, and execution thereupon made by Scire facias, 37. H. 6. 43. li. Ass. 32. And if lands be recouered from a woman whereof she was endowed in the Chancerie, she may haue a Scire facias there to be newly endowed, 29. Ass. 23.

Of a Subpœna.

Sect. 17. AND seeing the ordinary meanes to call and bring in the parties to answer in this Court, is either by the Serieant of the mace, as before, or by Subpœna, which only is the original proces of this Court, and must be directed to the parties, Doct. St. li. 1. c. 17. Smith de repub. Angl' li. 2. cā. 12.

Causes remediable in the Chancerie.

Sect. 18. HAuing thus perused Equitie and Summum ius, with their differences, and also what Conscience is, whereupon suites in this Court do chiefly lye: It seemeth good now specially to consider such speciall causes as be remediable in Chancerie, and for which a writ of Subpœna lieth there, as in cases following.

A Subpœna lieth in no case but where the common Law faileth, so as the partie who in equitie hath wrong, can haue no ordinarie remedie by the course and rules of the common Law, 39. H. 6. 26. 7. H. 7. 11. as in these cases following, and such like.

As if the K. by his letters patents giue vnto A. goods forfeited to his highnes by treason, A. may sue for the same in Chancerie, 39. H. 6. 26.

And it seemeth if one Coexecutor alone release debt due to the testator, his companion may thereof haue remedie in Chancery against his Coexecutor onely, if no couin be in the debtor: but if there be, then against them both, 4. H. 7. 4. Diuer. Cur. 106.

And by Moyle, if a Quare impedit by two Coperceners, the one make a false plea of couin betweene him and the defendant, then his companion by suit in the Court, may inforce him to ioyne with him in a true count, 6. E. 4. 10.

If lands in ancient demesne extended by statute Marchant, be recouered by common recouerie, the cognizee hath no remedie but in conscience, 7. H. 7. 11.

If feoffees in trust, commanded by cestuy que vse to enfeoffe his vendee, refuse to doe it, a Subpœna lieth for the vendee against them, 37. H. 6. 36.

If cestuy que vse deuise by his will, that his feoffees make an estate to I. S. for life, the remainder to Y. in fee, and I. refuse to take his estate, Y. after the death of I. may by Subpœna compell the feoffees to make estate to him accordingly, per Ienny & Finch, 37. H. 6. 36.

Tenant in borough English enfeoffeth A. to the vse of the feoffor and his heires, and die, his yongest sonne shall haue a Subpœna and not the eldest, for the vse is of the nature of the land, 5. E. 4. 7.

If a man make a feoffement in trust of lands descended to him ex parte matris, and dye without issue, his heire ex parte matris may haue a Subpœna, 5. Ed. 4. 7.

If a man make a feoffement to performe his will, & after to infeoffe his heires, and declare his will for yeares, and die, hauing issue a sonne and a daughter by one venter, and a daughter by another venter. the sonne dieth without issue before the will be performed, his sister of the whole blood is to haue execution of the estate by the feoffees, for possessio fratris de feodo (of an vse) facit sororem esse hæredem, and the will for yeares is no impediment of the possession: but otherwise if it had béene of franktenement by the Reporter, 5.Ed.4.7.

If A. seised in fée to the vse of a woman, who taketh an husband, and he selleth the land to B. for money, which the wife receiueth, and A. at their request infeoffe the vendée, the husband dieth, the wife may haue a Subpœna against the vendée, hauing notice hereof, or else against the feoffée for recompence: for this is the sale of the husband onely, 7.E.4.14.

If P. know that W. is infeoffed to mine vse, or of my will, or hath goods giuen to him to mine vse, and buy the lands or goods for money, a Subpæna lieth against the vendor and vendée to performe the will or vse, 5.Ed.4.7. 11.Ed.4.8. Diuers.Cur.106. But against the vendor onely if the vendée haue no such notice, Diuers. Cur.106.

A man by Subpæna may inforce his feoffée of trust to bring actions in their names, 7.E.4.29. as trespasse against trespassors, 11.E.48. yet if the feoffée had released to the trespassor, Cestuy que vse had bin remediesse, 11.Ed.4.8. or Assise, 2.Ed.4.2. or trespasse for goods giuen to his vse taken away, 7.E.4.29. But not an appeale of robbery, because they be not compellable to ioine battaile, 7.E.4.29.

If a feoffement be made to the chiefe Lord, or others, to vses, he may refuse to execute the estate for extinguishing of his Seigniorie, and no Subpæna lieth against him, 16.E.4.4.

The heire of the feoffée in trust being in by discent, is compellable by Subpæna to execute an estate according to the trust, 22.Ed.4.6.

If a wife will that her feoffées shall infeoffe her husband, he may not compell them thereunto, for the will of a wife in this case is void, 18.Ed.4.11.

If A. be bound to F. to the vse of C. C. in Chancerie may compell F. to sue A. for the same, 2.*Ed.*4.2.

If R. deliuer money to A. to deliuer to his executors or administrators to dispose, &c. and A. deliuer the same vpon bond to B. to kéepe and redeliuer to him, R. dieth, his executors or administrators may in Chancerie compell A. to sue the obligors for the money, 4 *Ed.*4.37.

If P. be bound in a statute staple to J. & H. to the vse of J. and H. releas to P. no Subp. lieth against P. notwithstanding that he had notice of those, for euery man may lawfully aide himselfe, 11.*E.*4.8. Diuers.

Cur 106. The like of an Obligation to two, to the vse of one, the remedie is against him that did so release, Diuers. Cur 106. 11. E. 4. 8.

If A. be bound to B. to the vse of C. and B. release, C. may haue remedie therefore in Chancerie, 7. H. 7. 11.

If a man pay debt due by specialtie without an acquitance, or haue an acquitance, and lose it, he shall haue remedy in Chauncerie, 22. E. 4. 6. 7. H. 7. 11. But it seemeth to be otherwise, if the debt be by matter of record, for else might all records be auoided by witnesses which would destroy the common law, 22. Ed. 4. 6. Diuers. Cur. 106. Doct. and Stud. lib. 1. cap. 12.

A Subpœna lieth on a promise or agrément by word: as to build a house, or to do any other lawfull act, 8 Ed. 4. 4. Diuers. Cur 105.

An action lieth against Executors in Chancerie vpon a simple contract without specialtie, 7. H. 7 11.

If there be two obligors, and the obligée giue longer day of paiment to the one of them, and sue the other, he may haue a Subpœna, 6. E. 4. 41

If goods bee giuen to defraud creditors, they may haue remedie in Chauncerie against the donées, or such as haue the possession of the goods, 16. Ed. 4. 9.

If a man be suretie for anothers debt, and the debtor and others be bound to saue the suretie harmelesse, and the suretie haue also goods deliuered by the debtor to saue him harmelesse: notwithstanding the suretie pay the debt, yet if he sue his obligation, the debtor may haue a Subpœna for restitution of his goods so pawned for the same, lest hée should be twice charged therefore, 16. E. 4. 9.

If a man buy a debt due by obligation, and be bound to pay a summe of money to the vendor for it: yet forsomuch as the thing sold is chose in action in the vendée he can haue no propertie, and therefore hath not quid pro quo, the vendée may be relieued in Equitie for his owne Obligation, 37. H. 6. 13.

And for euidence, whereof the plaintife knoweth neither the certaine contents nor contentment, he may haue remedie in Chauncerie, Diuers. Cur. 105.

Learne whether if a transitorie personall action be sued in a forreine Countie, the defendant may stay the plaintife in Chancerie by Iniunction, Diuers. Cur 106.

So necessarie be the remedies in the Chancery vpon equities allowed by Law, that it seemeth to some not inconuenient to haue assigned such remedies for the 7. ground of the Lawes of this Realme, which are said to consist of 6. grounds onely: first, the law of reason, 2. The Law of God: 3. Generall Customes of the Realme: 4. Principles or Maxims of Law: 5. Particular customes vsed onely in certaine places

of

of this Realme, 6. Acts of Parliament, Doct. & Stud. lib. 1. c. 3, 4, 5, 6 7, 8, 9, 10, 11, &. 17.

If a man bound in a single obligation or bill of debt, pay the money according to the bond, neither taking an acquittance thereof, nor cancelling the specialtie of the same, he is by the common law chargeable to pay the same debt againe, by vertue of the said specialty: But may haue remedy thereof in the Chancerie. Doct. & Stud. li. 1. c. 6. 1. H. 7. fol. 14.

A view of certaine cases wherein the partie grieued seemeth wronged in conscience, and yet is remedilesse in Chancerie.

OF an vniust wager of Law in an action of debt vpon a simple contract, Doct. & Stu. li. 1. c. 18. Sect. 19.

Of a false verdict by a grand Iurie in Attaint, D. & St. li. 1. c. 18.

For damages where a man hath right or title to land in the possession of another, and may by action recouer onely the land, but no damages: for the meane occupation there is no remedy for the same damages in Chancerie: As if the tenant in taile be disseised, and the disseisor die seised, and his heire is in by discent, against whom the issue in taile bringeth a Formedon, he may recouer the land, but no damages, Doct. & Stu. li. 1. cap. 19.

A man may not deny that which he hath once affirmed of record in a Court of Record, nor affirme that which he hath once denied of record in a Court of Record, nor that whereof he wilfully estopped or excluded himselfe by deed indented, or otherwise: And if a daughter which is sole heire to her father sue liuery with her bastard sister, shee is remedilesse by law, Doct. & Stu. li. 1. cap. 19.

If a thing be found by verdict against truth before iudgement, Do. & Stu. li. 1. cap. 19.

Where the cause of the law ceaseth, the law also ceaseth in conscience. As lessee for yeares recouereth by iudgement treble damages for a trespasse of wast done by an estranger, And hee in the reuersion dyeth before his action of wast be ended, yet in conscience he ought to sue execution for his single damages, for he had no more hurt thereby, Doct. & Stu. li. 1. cap. 19.

A Law grounded vpon a false presumption, is not to be holden in conscience, Doct. & Stu. li. 1. cap. 19.

Conscience may not preuaile against a lawfull Custome, either generall or particular: As in discents of lands to the eldest sonne by the common Law, to the yongest by Borough English, & to all by Gauelkind, Doct. & Stud. li. 1. cap. 19.

So if a man without consideration make a deed of a feoffement of 2. acres of Land, lying each in a seuerall shire, and make liuery of seisin in the one acre onely in the name of both, that wherin liuery of seisin was made, only passeth in Law and conscience, Do. St. li. 1. c. 20.

If one ioyntenant of a wood sell the wood, and keepe all the money receiued for it wholly to himselfe, his fellow may haue remedie in Chãcerie lib. 1. cap. 19. And so it seemeth, if they were ioyntenants in common, or coparceners of other things.

If a common person of his meere motion without other consideration make a feoffement of a manno^r, without these wo^rds (with the appurtenances) he hath right onely to the demeanes and commons, and rents of the atto^rnement: but neither to Aduowson appendant no^r villein regardant. But in the Kings case, notwithstanding the wo^rds (with the appurtenances) were in the grant: yet neither Aduousons no^r Villeins doe passe, either by law o^r conscience, vnlesse they be especially named, Doct. Stu li. 1. c. 19. 6. Ed 3. 286. Regist. f. 228. Fundamenta legum, f. 70. 43. E. 3. 22.

If a lease for yeares be reseruing rent, with a clause of reentrie, the rent is behind, the lesso^r dieth before demand, the heire can neither enter by law no^r conscience: Otherwise if he made a lawfull demaund thereof, Do. Stu. lib. 1. cap. 20.

If tenant in Dower sow the land and die before the co^rne be reaped her executo^rs shall haue the co^rne: but not the gralle, no^r other fruits, Do. St. li. c. 21,

If tenant for life, o^r tenant in taile after possibilitie of issue, alien in fée, he in the reuersion o^r remainder may enter, and haue the land by the fo^rfeiture in law and conscience. Do. St. li. 1. c. 20. 45. E. 3. 3.

Euery Law o^rdained for the disposition of lands o^r goods, contrarie neither to the Law of God, no^r the law of Reason, bindeth in the court of Conscience, Do. & St. li. 1. c. 20.

Whether one of the age of 20 yeares, who hauing reason & wisdome to gouerne himselfe, selleth his lands for money, and therewith buy other lands of better value, and taketh the pro^rfits thereof, may haue his first land againe in conscience, as he may in law, repaying the mony which he receiued? It seemeth he may, because the contract is insufficient by reason of the infancie, Do. St. li. 1. c. 21.

If a man sell his land by a sufficient and lawfull contract, though he want liuery o^r atto^rnement, o^r such other solemnities of the law, yet the selle^r is compellable in the Chancerie to perfo^rme the contract, Do. St. li. 1. c. 22.

If the tenant for life impanelled on an Inquest lose issues, and dye, they are leuiable by law on him in the reuersion: and so be the husbands

issues

issues after his death vpon the wiues land, and as it seemeth in conscience for the necessitie of the execution of Justice, Do.Stu.li.2.ca.21.

No man is bound in conscience to pay the penalty of a penall statute, nor other penaltis, vntill it be lawfully recouered against him, Do. and Stu.lib.1.cap.23.

If A. infeoffe B. in fee of land vpon condition, that if he infeoffe any other, that A. and his heires may enter: this condition seemeth void in law and conscience, because it is contrary to the Maximes of the Law, notwithstanding the intent of the parties, for the intent must be ordred by law, & if it be not, it is void, as by a feoffement of lands without recompence to A. for euer, he hath estate for life onely, for want of the word (heires.) And a lease to A. and his heires for 20. yeares, shall go to his executors, because it is a chattell, & so by feoffement without recompence to a man & his wife, and a third person, the husband and wife take only the moity, because they are but one person in law, Do.Stu.li.1.cap.24.

A fine with proclamation, and no claime within fiue yeares, extinguisheth the right of all estrangers aswell as of the parties by law.

And by conscience also, as it seemeth, because thereby the right and title is made certaine, and thereby the common wealth more quiet, and it is not contrary to Gods law, Do. and Stu.25.

Common recouery with vouchers vpon writs of Entre orderly pursued, and no recouery in value to be had in deed, barre the issue in taile in law, 23.H.8.Br. Taile 23. 14.Ed.4.14.& 19.13.E 4.1.

And in conscience as it seemeth, for as the intailes are made by Law, West 2.c.1. euen so by law may they be annulled. And such lawes as concerne right or property to things, and be not contrary to the Lawes of God, or of reason, are good in conscience, Do. and Stu.li.1.c.6.

If a disseisor giue the lands to I.S. in taile, and he granteth vnto the disseisee rent out of the same lands, in consideration whereof the disseisee releaseth his right, this grant bindeth the issue in taile for euer in law and conscience, because this release doth confirme his estate which the disseisee might else haue defeated, Do.Stu.li.1.cap.27.44-E.3.22.

If the body of a debtor that hath nothing, be by iudgement imprisoned, vntill he pay his debt, he seemeth remedilesse in conscience, Do.St. li.2.ca.29.

A recouerie with vouchers of an annuitie intailed, bindeth the issue in taile neither in law nor conscience, because a writ of Entre doth not lie for an Annuitie, nor any other writ then only a writ of Annuitie against the person of the grantor or his heire, hauing assets by discent: Or against a Corporation, if it be granted to be perceiued out of their cofers, for that an Annuitie is no freehold in law, Do. Stu. li.1.30.44. Ed.3.5.2.H.4.13.Fitz.Nat.bre.fol.152.

If tenant in taile be disseised, and die, and a collaterall ancestor to the heire in taile release to the disseisor with warranty and die, and the same warranted discend vpon the said heire, he is barred in Law and conscience, D.S.c.31.35.H.6.63 41.E.3.7.45.Ed.3.23.19.H.6.59. 15.H.7.9 & 10.21.H.7.39.3.H.7.9.

Tenant in taile after possibilitie of issue is dispunishable for wast by Law and conscience, because he had once inheritance, 45.E.3.3.39. E.3.16. and thereby power to wast without punishment, which power endureth so long as his estate, Do.Stu.li.2.c.1.

If a man be outlawed before he haue knowledge of the suit, albeit the surmised cause of action be vntrue, yet the King may haue his goods by law and conscience, by reason of his disobedience in not appearing, to the hindrance of the effect of Law, for he is bound to take notice of the suit being of record at his perill. And the forfeiture groweth by a generall Maxime made for the necessarie execution of Iustice: But it seemeth the defendant may haue remedy in conscience against him, which caused him to be outlawed without iust cause, Do.Stu.li.2.c.3. 21.H. 7.7.9.H.6.20.

If an estranger doe wast lands which an other holdeth for yeares, life, in dower, or by curtesie, without the tenants assent, the owner of the reuersion may recouer the place wasted, and treble damages against the tenant, in Law.

And in conscience, notwithstanding that the stranger be insufficient to recompence him for the same, for it is his owne act and folly to take such estate subiect to the chance, Do.Stu.lib.2.c.4.

If a reall action be brought by a very lawful heire, and yet bastardy being pleaded in him, he is vntruly certified by the Ordinarie to be a bastard, and so barred, the tenant knowing this certificat to be vntrue, ought not in conscience to retaine the land, yet is there no remedie for him in Law, nor in Chancerie, as it seemeth, for that the Bishops certificat is the highest triall that the law affordeth in this behalfe. And euery stranger may take aduantage of this certificat, and no more writs may be awarded for further triall of the truth thereof, for the auoiding of the inconuenience which might happen, if another Bishop should certifie such a bastard to be legitimate, Do.Stu.li.2.c.5.

If a feoffement in fee be made without deed, or a gift in taile, or a lease for life, the remainder ouer in fee: or if a tenant for life grant his whole estate by deed Poll, reseruing rent, in these cases the reseruation is void in law, and there is no remedy therefore but in conscience, Do. Stu.lib.2.cap.9.

Learne whether Executors or Administrators hauing assets, be compellable in Chancerie to make amends for trespasse done by their testator,

teſtator, or to pay debt due by him vpon a ſimple contract, Do. Stu. lib. 2. ca. 10.

If the tenant in fée haue two ſonnes and dye, and I. S. abate, and the elder ſonne make his executors and dieth, and the yonger recouereth againſt the abator, in Aſſiſe of Mortdanceſter the lands and damages from the death of his father, the executors of the elder brother haue no remedie for the damages accrued in his life time, as it ſéemeth, Do. & Stu. lib. 1. ca. 13.

Tenant in dower hath no remedie in Equitie againſt the alienée of her husband for damages growing betwéene his death & her demand. Do. & Stu. li. 2. ca. 13.

Tenant for life diſſeiſed dieth, his diſſeiſor dieth, his heire entreth, againſt whom the owner of the reuerſion recouereth the lands, but no damages by Law or equitie, Do. Stu. li. 2. c. 13.

If a man ſeiſed of lands knowing that another hath good right thereunto, leuieth a fine with Proclamation, to extinguiſh ſuch right, And maketh no claime within fiue yeares, he is remedileſſe in law and equitie, Do. Stu. li. 2. ca. 14.

A man ſeiſed of Lands in fée hath a daughter, ſhe marrieth and hath iſſue, and her father dieth, the husband ſo ſoone as he knoweth of his fathers death, hasteth to take poſſeſſion of the land, but before he come to it, his wife dieth, he ſhall not be tenant by the Curteſie of England by law nor conſcience, becauſe he had not actuall poſſeſſion thereof in the life time of his wife, Doct. Stu. li. 2. ca. 15.

If without conſideration a new rent be granted without déed, or a reuerſion without attornement, the grantée is remedileſſe, Do. Stu. li. 2. ca. 15.

A man ſeiſed in fée of lands holden by knights ſeruice, deuiſeth the whole to A. B. the deuiſée thereof is remedileſſe for a third part thereof, for that there is no maxime in law for him, Do. Stu. li. 2. ca. 15.

If the tenant make a feoffement of the Land which he holdeth by priority, and taketh eſtate thereof backe againe and dieth, the Lord of whom he held by priorite is remedileſſe, Do. Stu. li. 2. ca. 15.

If the grantée of a rent charge take a feoffement from the grantor of parcell of the lands charged to his owne vſe, the whole rent is extinct by the vnitie of poſſeſſion, becauſe ſuch rent is againſt common right: And the law déemeth it his owne folly to accept the feoffement, and neither his ignorance of the déed, nor of the Law can helpe him, Do. Stu. li. 2. ca. 16. & 17. Yet Quære in equity, becauſe the grantor himſelfe is priuie to the ſaid feoffement, Do. Stu. li. 2. ca. 17.

A. granteth a rent charge out of 2. acres of land vnto B. and then infeoffeth Y. of the one acre in fée to his vſe, and after Y. intending to

extin-

extinguish the whole right, causeth the same acre to bée recouered against him, by common recouerie in a Writ of Entre sur disseisin in le Post, in the name of the said grantée (not knowing thereof) and of another man, who by force thereof entreth and dieth, so that the grantée is sole seised of all the same acre by survivor, to the vse of the said Y. The whole rent is hereby extinct by Law through the vnity of possession, though the vse be to Y. and it is also extinct in conscience as to the grantor, because he is neither partie nor priuy to that by which the extinguishment groweth. But Quere whether in conscience the grantée ought to haue the whole rent of Y. who caused the said recouerie to be so had, Do. Stu. li. 2. ca. 17.

If a villein granted for life, purchaseth lands in fée, and the grantée entreth before the villein alieneth the same, the grantée shall haue the land for euer as perquisite, by reason of the villein. And this both by Law, 5. Ed. 4. 61. and by conscience, Doct. Stud. li. 2. cap. 18. Perkins sect. 94, 95, 96, and 97.

If one haue a villein for yeares, as executor, who purchaseth lands in fée, the executor by law & conscience shall haue the same lands in fée to the behoofe of his testator, & they shall be deemed assets in his hands, Do. Stu. li. 2. c. 18. because he hath them by reason of his villein.

If a Lawyer ignorantly or affectionatly giue wrong counsell to his client, who followeth it to his trouble and losse, yet he is remediesse, as it seemeth, Do. Stu. li. 2. ca. 19. Therefore it is good to aske aduise of none but such as be learned in the lawes, and of good conscience.

If a man without consideration giue lands by Indenture to Y. and his heires, vpon condition, that if he pay not vnto I. S. x. l. rent yearely, that then the said I. S. may enter, &c. which rent is not paid, yet the said I. S. may neither enter by law nor conscience, because he is neither party nor priuy to the said condition, notwithstanding the intent of the giuer, for such intent being not grounded vpon the Law is void, Do. Stu. li. 2. ca. 20. Plo. 25. B. But the feoffor as it seemeth may lawfully reenter, because the words of the Indenture imply a condition in law to that effect, Do. & Stu. li. 2. ca. 23.

If a man without consideration confirme the state of his lessée for life, the remainder to another in fée, this remainder is void in law and equitie, because a remainder cannot commence, but at the same instant that the particular estate, whereupon it dependeth began, Do. Stu. li. 2. ca. 20. Plo. 25. B. yet the feoffor and his heires in this case may enter for the breach of the said condition.

If by a feoffement indented it be agréed that the feoffée shall yearely pay to A. B. & his heires a certaine rent, & that if he pay it not, that A. B. and his heire may enter, &c. albeit the feoffée pay not the money, yet

may

may neither the sayd A. B. nor the feoffor enter, for that there is no clause of reentrie in the sayd deed. Notwithstanding it seemeth he may haue remedy in Chancerie for the sayd yearely paiment, Do. St. li. 2. c. 21.

If A. promise to giue vnto B. a summe of money, or other thing of mere motion without any consideration, the partie is not bound to performe this promise either by law or in Chancerie, because it is nudum pactum, Do. St. li. 2. c. 24.

If A. promise to giue B. x. s. in consideration of a trespasse by him done vnto B. yet A. is not thereby bound in law nor conscience, because this is an accord, for which none action lieth. And notwithstanding this accord, B. may haue his action for the said trespas, because the accord is executorie, Do. St. li. 2. c. 24. *for an accord lieth.*

If a man haue one sonne before marriage, and another after, and bequeatheth all his goods to his sonne & his heire, it seemeth both in law and conscience, that the sonne borne after marriage shal haue the goods, for he is heire by the common lawes of the Realme, of which the spirituall iudges are bound to take notice, and to giue sentence accordingly of temporall things, Notwithstanding that by the common lawes the other sonne is ligittimate & the testators heire, for the auoiding of the inconuenience which might happen by the contrary iudgements in seuerall Courts. In like manner temporall iudges seeme bound in conscience to take notice of the common law, when they are to iudge spirituall things, and to order the iudgements according to the same, Do. St. li. 2. cap. 25.

Ioyntenants and tenants in common of an Aduowson, must within fiue moneths after auoidance agree and ioyne in presentment of their Clerke. And the eldest sister of the Coparceners must present first, and then the second, by turne, or by such composition as they make thereof, except the yongest coparcener be the kings ward, in which case the presentment belongeth to the King. And if they keepe not this course of presentment within the fiue moneths, they lose their presentment for that time. And the Ordinarie may present by Laps both in law and conscience, Do. St. li. 2. cap. 33.

And if the auoidance be by death cession, or creation, the fiue months commence at the death, creation, or cession, and the patron is bound to take notice thereof. And if by resignation or depriuation, then from notice therof giuen by the Ordinarie to the Patron. If by union, frō the agreement how they shall present, Do. St. li. 2. cap. 31.

The wife suruiuing her husband which take a lease for yeares, or life in both their names, may lawfully and with good conscience waiue and relinquish it: So may an executor refuse a terme made to his testator, if he haue not assets, Do. St. li. 2. cap. 33.

If

If A. infeoffe an Abbot by deed indented vpon condition, and the Abbot only performeth not the condition, the feoffor both in law and conſcience may reenter and haue his land againe as in his former right, Do.Stu.li.2.34.

Warrantie Collaterall.

A Man ſeiſed of lands in fee hath iſſue two ſonnes, the elder brother goeth beyond the ſea, and remaineth there vntill it bee commonly reported that he is dead, the father dyeth, the yonger brother entreth into his lands as his heire, and alieneth with warrantie, and dyeth without iſſue of his body, leauing no land to diſcend to his next heire, and afterwards the elder brother returneth, and claimeth the landes in his owne right, yet is he barred by law and conſcience, for that it is the act of his anceſtor, whoſe heire hee is, by whom as hee might haue had aduantage to haue had his lands by diſcent from him as his heire, if hee had had any, ſo it ſeemeth reaſonable, that for the priuitie of blood hee ſuſtaine diſaduantage by him, becauſe both the ſeller and the buyer were ignorant of the elder brothers life and right, by reaſon of his owne abſence. Do.Stu.li.2.c.49. Litt. ſect 704.705.707. But if ſuch heire were vouched by force of ſuch warratie, he may enter into the warrantie, as one that hath nothing by diſcent from that anceſtor, and ſo auoid the warrantie.

Debt againſt one as heire.

If the father bind him & his heires for the payment of a debt, and die, leauing aſſets by diſcent to his ſon and heire, hee is bound to pay the debt by law and conſcience, becauſe he hath ſuch benefit by him, Do.St. li.2.c.49.26.H.8.fol.1.40.E.3.f.38.12.E.3.f.9.13.E.3.

It is agreeable both with law and conſcience, that a man outlawed either in felonie or in actions perſonals, ſhal forfeit and loſe all his goods becauſe it is ſo ordained for the neceſſity of the adminiſtration of iuſtice Do.Stu.li.c 49.43.E.3.f.18.21.Aſs.12.39.H.6.f.26.21.H.7.fol.7. 49.E.3.f.5.16.E.4.f.6.

The like is of forfeiture of goods attached by default of apparance as well in Court Baron, as in Courts of Record, 28 H.6.f.3.4.H.6.f. 29.& 40.21.E.4.fol.78.

A man is diſeiſed of lands, the diſſeiſor ſelleth the land, the alienee knowing of the diſeiſin, obteineth a releaſe with warranty from a collaterall anceſtor of the diſceiſee, who alſo knoweth that the diſſeiſée hath good right and title to haue the ſame lands, that collaterall anceſtor dieth, the warranty diſcendeth vpon the diſſeiſee as his heire without aſſets, yet the diſſeiſee is barred by law and conſcience, for it were inconuenient that ſuch releaſes & other writings ſhould bee auoided by ſuch allegations of conſcience, D.St.li.2.c.50.Litt ſect' 707.

If

If a feme couert being of full age leuy a fine by her husbands compulsion, yet after his death she shall neuer for that cause by Law nor conscience be admitted to auoid such fine, for the inconuenience which might thereof ensue, if by such nude auerments, matters of record should be auoided, Doct. and St. li. 2. c. 50. 7. H. 4. fo. 23.

If goods be wrecked vpon the Sea, that is, where goods bee cast or come into the Sea by Shipwracke, so that no man, dog, or cat, come aliue to the land out of the Ship, or barge wherein they were carried (which is deemed a wrecke, West. 2. c. 4.) and the owner thereof proueth them not to be his within a yeare and a day after such wrecke, the the King ought to haue them both in law and conscience, because he is soueraigne head of the people, and owner of the narrow seas, and is to scowre them (as it seemeth) from pirats, and because the property of goods must needs be in some person, otherwise they would perish, which were against the weale publike, and in this case the first owner of the goods is vnknowne. And the like is it, of an Estray, or Weodand but not of goods voluntarily waiued, or casually lost and found by others, for in these two last cases, the propertie remaineth still in the first owners, Doct. and Stu. li. 2. c. 51. 35. H. 6. fo. 27.

The like seemeth to be where a subiect hath wrecks by prescription, 11. H. 4. fol. 16.

Now that we haue partly seene where a Subpœna lieth, and where not, let vs set downe somewhat of the ordinary proceeding thereupon.

Of the ordinary proceedings in the high Court of Chancerie.

Sect. 20.

A Subpœna to Answer.

FIrst the partie grieued takes out his writ of Subpœna against the partie or parties offending, which Subpœna is in hæc verba. Iacobus Dei gratia Angliæ, Scotiæ, Franciæ, & Hiberniæ, Rex fidei defensor &c. A.C. salutem. Quibusdã certis de causis corã nobis in Cancel' nostra propositis tibi præcipimus, firmiter iniungentes qd omnibus alijs pretermissis, & excusatione quacunq; cessante, in propria persona tua sis corã nobis in dicta Cancel' nra a die Paschę ꝓxim̃ futur̃ in vnũ mensem vbicunq; tunc fuerit, ad respond̃ sup hijs quę tibi obijcientur tunc ibid̃. Et ad faciend̃ vlterius & recipiend̃ q̃ Cur̃ nostra considerauerit in hac pte. Et hoc sub pœna centum lib̃ nullatenus omittas. Et habeas ibi hoc breue, Teste meipso apud W. 12. die Febr̃ Anñ reg' nr̃i, &c.

George, &c.

But if the Defendant be a Noble man, then no Subpœna is awarded, but a letter by the L. Chancellor, or Lord Keeper, thus:

After

A Letter to a nobleman in ſtead of a Subpœna to anſwer.

After my very hearty commendations to your L. whereas there hath beene of late a bill of complaint exhibited into the Court of Chancery againſt you by H.D. gentleman, I haue thought good to giue you notice thereof rather by theſe my priuate letters, than by awarding her Maieſties ordinarie proceſſe: Wherefore theſe are to pray your L. to giue order for the taking out of a copie of a bill, and for the putting in of your anſwer thereunto, according to the vſuall courſe in ſuch caſes accuſtomed, at, or before Octab. Hill' next inſuing. Of the which nothing doubting but that your Lordſh. wil haue the care and regard which appertaineth, I leaue your L. to the moſt merciful képing of the Almightie. From Saint A. the 9. of May. 1564.

Your very louing friend
Io. Puckering.

The ſuperſcription,

To my very good Lord, I.L.D. theſe.

Sureties to yeeld damages to the def.

And it is to be noted, that by the ſtatute 13. H. 6. ca. 4. a Subpœna is not grantable without ſureties to yéeld damages vnto the def. if he be vniuſtly vexed, and it were good to obſerue this courſe, for auoiding of cauſeleſſe and trifling ſuites, to which moſt men be ouerprone.

Coſte for default of a Bill.

Yet if the def. do appeare at the returne of the Subpœna, and no bill be put into the court by the plaintife againſt him, then coſtes are to bée granted for ſuch wrongfull veration. And thereupon hée may haue a Subpœna ad ſoluend̄ for the ſame coſts in forme following.

IAcob' Dei gratia Angl' &c. I. S. ſaluṫ &c. *vſque* firmiter iniũgentes, qd tu ſoluas, vel ſolui facias R. N. 40. s. qui p̄ conſiderationē dñi Cancel', vel dñi cuſtod̄ magni ſigilli, & Cur̄ Cancel' noſtr̄ p̄d̄ eidē R. adiudicaṫ fuer̄ p̄ miſis & expenſis ſuis quæ ipſe ſuſtinuit ratione & occaſione cuiuſdā queremoñ, q̄ tu erga euud̄ R. in Cancel' nr̄a p̄d̄ minime proſequr̄ cum effectu, iuxta form̄ ſtaṫ inde editṫ & prouiſ. vel tu ipſe ſis corā nobis

Or thus, p̄ expenſis ſoluend̄.

Quod tu ſoluas, vel ſolui facias p̄t. R. vl. s. qui eidē R. adiudicaṫ fuer̄ in Cancel' pred̄ pro expenſis ſuis occaſione iniuſte vexation' q̄ ipſe nuper indebite ſuſtinuit in quadam billa verſus ipſum R. in eadem Canc' ad proſecutionem tuā ne p̄ fact' iuxta formam, &c. *vt ſupra*.

Or thus.

Quæ ſuſtinuerunt occaſion' cuiuſdam breuis noſtri de Subpœna eis direct' ad ſect' tuam proſecuti ad comparand' corā nobis in dicta Cancellar̄

cellar nra ad cert diem iam preteritum, pro eo quod tu ad diem in dict' bri content aliquam billam sine materiam versus eos minime exhibueris, vel tu ipse sis, &c. Per Cancell'.

Although the writ import, that the Bill is put in before the taking out of the same, yet if the plaintife put in his bill by the returne of the writ it is sufficient, and no further proceese passe. And although the writ mentioned the paine of C. li. or such like, yet if the defend. doe not appeare at the returne of the writ, either by himselfe or his Atturney, the said paine is not forfeited or leuiable, for it is in terrorem tantum, 8. E. 4, 6. 10. H. 7. 4. Then upon Oath made before some maister of the Chancerie for the seruing of the Subpæna, which Oath must be, that it was serued on the defendant himselfe, or at his dwelling house, so that he might haue notice thereof, or that the deponent did see another serue the same, as aforesaid, or that the defendant confessed to the deponent, that he was serued, an Attachment shall be awarded against the defendant as is said, in hæc verba:

The time to put in the Bill.

Plaine in the writ not forfeited.

Oath for seruing the Subp.

Of an Attachment.

IAcobus, &c. *vt antea*, vic. South. salutem, Prȩcipimus tibi qd attach. A C. Ita qd eum habeas coram nobis in Cancel. nostra in craſt. sanct. Trinitatis proxm futur vbicunq; tunc fuer ad respond nobis tam de quodā contemptu per pref. A. C. nobis illat vt dicitur, quam sup his quę sibi obiicientur tunc ibid'. Et ad faciend vlterius & recipiend. qd cur nra considerauerit in hac parte. Et hoc nullatenus omitt. Et habeas ibi hoc br̄e. Teste, &c. Sect. 22.

And if the defendant cannot be found vpon the attachment, and that the Shirife returne, qd defen. non est inuentus in balliua sua, sometimes the Court vpon motion wil (if the plaintifes suit be for the stay of some suit or action of extremity at the common law) stay the defendants suit, vntill he hath answered the plaintifes bill, and satisfied the Court for his contempt, but in ordinarie causes the partie proceeds to his Attachment with proclamation, which followeth in hæc verba:

Non est inuentus returned.

An Attachment with Proclamation.

IAcobus, &c. Vic' S. salutem, Præcipimus tibi q̄ in omnibus & singulis locis infra balliuam tuam, tam infra libertates quā extra, vbi magis expedire videris, ex parte nostra publice proclamari fac' qd A. B. sub pæna ligeantiæ suę corā nob. is in Cancellaria nostra in octabis sancti Michaelis proxm futur vbicunq; tunc fuer personaliter comparear, & nihilominus si ipsum A. B. interim inuenire poteris, ipsum attach. Ita quod eum habeas coram nobis in dicta Cancellaria nostra ad diē p̄dictum, ad respondendum nobis tam de quadam contemptu per præfat Sect. 23.

pref. A.B. nobis illat vt dicitur, quam ſuper hijs q̄ ſibi obijcientur tunc ibm̄. Et ad faciend̄ vlterius & recipiend̄ qd curia noſtra conſiperauerit in hac parte. Et hoc nullat̄ omittas. Et habeas ibi hoc br̄e. Teſte, &c.

An Attachment in the Cinque Ports.

Sect. 24. REx, &c. pred̄ & fideli ſuo W. Brooke Milit̄ dño Cobham Conſtabulat̄ caſtri ſui Douor̄, ac deputat̄ ſuo in officio cuſtodis quinq; portuum ſuorum ſalutem, vobis mandamus qd ſub ſigill' offic' veſtri vallino libertat̄ villæ de Haſtings, vel Maiori vel Iuratorib' antiquæ villæ dētis in mandatis qd attach. H.S. Ita qd eum habeat, &c.

An Attachment in the Countie Palantine of Lancaſter.

Sect. 25. REx, &c. Cancel' ſuo ducatus ſui Lanc' vel eius debutat̄ ibid̄ ſalut̄ vobis mandamus qd p br̄e noſtr̄ ſub ſigill' nr̄o com̄ noſtri ducatus p̄d̄ vic' noſtro eiuſdem com̄ detis in mandatis qd attach. R.S. Ita qd eū habeat coram nobis in Cancell' noſtra in quindena Paſch. proxm̄ futur̄ vbicunq; tunc fuer̄ ad reſpond̄ nobis tam de quodā contēptu per pref. R.S. illat̄ vt dicitur quam de alijs ſibi tunc ibid̄ obijciend̄, & ad faciēd̄ vlteri' & recipiend̄ qd cur̄ nr̄a conſiderauit in hac parte. Et hoc nullaten' omitt̄ & habeat ibi br̄ qd ſibi inde deuenit. Teſte, &c.

The attachment for coſts is of the ſame forme of the attachment next before (verbatim) and is thus endorced, viz. Per cur̄ ad ſectam A. B. quia non ſoluit expenſ. **And if the Attachment be awarded againſt any dwelling within the Countie Palantine of Cheſter, then it is directed to the Chamberlane of the County Palantine of Cheſter, and is of this forme enſuing.**

Sect. 26. IAcobus Dei gratia Angl', Scotię, Franc' & Hibern̄ Rex fidei defenſor &c. Camerario ſuo Ceſtr̄, Salutem, Mandam' vobis qd p br̄e noſtrū ſub ſigil' noſtro com̄ noſtri Palatini Ceſtr̄ detis in mādat̄ vicecom̄ com̄ pred̄ qd attachiat̄ R.M. gener̄. Ita qd eum habeat coram nobis in Cancell' noſtra in quindena Paſchæ proxm̄ futur̄ vbicunq; tunc fuer̄ ad reſpondend̄ nobis tam de quodam contemptu nobis ſper̄ p̄fat̄ R. illat̄ vt dicitur quam de alijs tunc ibidem objiciendis. Et ad aciend̄ vlterius omittatis. Et habeat ibi hoc breue. Teſte meipſo apud Weſtm̄ 14. die Mart̄ Ann̄ regni noſtri.

William Cordell.

And the Attachment is indorsed as followeth: Endorsement.

Per curiam adse ctam I.B. & alijs quia non soluit expens.

The returne of the Attachment by the Chamberlaine.

Responsio Ro. comit Leicestr cametar com Palantin Cestr.

Virtute istius bris mihi direct' per bre dñe reg' sub sigillo com Pallantin præd' dedi in mandat prout vlterius mihi precipitur vic' comit pred' qui mihi sic respondit vt sequitur:

The Sheriffes returne to the Chamberlaine.

Infranominat R.M. non est inuentus in ballina mea.

Ro. St. Miles vic' com' Cestr.

And if the Sherife returne, quod def. non est inuctus in ballina sua, vpon that Proclamation, then a Commission of Rebellion issueth as followeth, to such Commissioners as the plaintife nameth.

Of a Commission of Rebellion.

IAcobus, &c. dilectis sibi A.B.C.D.E. & F. salutē. Quia A.B. cum per publicas proclamationes per vic' South. in diuersis locis eiusdē Com virtute breuis nri eidem vicec' direct', ex parte nostra præcept fuerit, q̄ idem A.B. sub pœna ligeantiæ suæ coram nobis in Cancell nra personalit compareret. Mandato tamen nro in ea parte parere manifeste contempsit. Ideo vobis coniunctim & diuisim mandamus, q̄ pręf. A.B. vbicunq; fuerit inuent infra regnum Anglię tanq rebellē & legis nræ contēptor attach. vel attachiari faciat. Ita q̄ eū habeatis, vel haberi faciat cora nobis in dict' Cancell' nra in Crastino animarum, pxim fut vbicunq; tūc fuerit, ad respondend' super hijs quæ sibi objicientur tūc ibid'. Et ad faciend' vlterius & recipiend' q̄ Curia nra consideranit in hac parte. Et hoc nullatenus omittat. Dam' enim vniuersis & singul' vicec', Maioribꝫ, Balliuis, Constabular, & alijs Officiar, ministris, ligeis, & subditis nris quibuscunq;, tā infra libertates q̄ extra tenere presentē firmit in mādatis, q̄ vobis & cuilibet vrum in exec' præmissoꝝ intendentes sint, & assistentes in omnibus dilig', put decet. In cuius rei testim has lras nras fieri fecimus patentes, Teste, &c. Sect. 27.

A Supersedeas of the Commission of Rebellion.

REx, &c. dilectis sibi A.B. Armigero, T.G. & H.S. generosis salutē licet nos nuper per literas nras patentes vobis coniunctim & diuisim mandamus quod T.K. vbicunque inuent foret infra regnum nostrum Angliæ tanquam rebellem & Legis nræ contemptorem attachiat vel attachiari fac' ita quod eum habeatis vel haberi fac' cora nobis in Cancellar nra ad certum diem in eisdem Literis patentibus cōtent Sect. 28.

ad respondend nobis tam de quoda contẽptu p̃ pf. T.K. illat vt dicebatur, quam de alijs sibi tunc ibid obijciend, put in eisd literis plenius continet. Quibusda tamen certis de causis nos iam specialit mouentibus vobis & cuilibet vestr mandam' q̃ cuicunq; execuc' liter nrar patẽ præd p̃ vos seu aliqué vr̃m fact' vel faciend versus præd T.K. supsedeatis omnino p̃d literis patẽ in contrar aliqua non obstant. Et si ipsum T.K. prætextu literar patent p̃d ceperitis seu aliquis vr̃m ceperit, tunc ipsum à prison qua sic detinetur si ea occasione & non alia detineatur in eadẽ fine dilatione deliberari faciat. Teste &c.

A Supersedeas to the Chancellour of the County Palantine of Lancaster.

Sect. 29. REx &c. Cancell suo ducatus sui Lanc' vel eius deputat ibid salutẽ: Quia A.B. &c. vobis mandamus q̃ p̃ breue nostrũ sub sigillo nro com ducat Lanc' custodibus pacis nostræ in dicto com Lanc' ac vic' eiusd com & eorum cuilibet dctis in mandat &c.

A Supersedeas to the Chamberlaine of the County Palantine of Chester.

REx &c. Camarario suo Cestr vel eius locum tenenti ibid salutem.

Sect. 30. Quia P.H. &c. vobis mandamus q̃ p̃ breue nr̃m com p̃d tã Iustic' nr̃is apud Cestr quam Iustic' nr̃is, ad pac' in com Cestr conseruand assignat, ac vic' eiusdem com & eorum cuilibet dctis in mandatis &c.

A Supersedeas of an Attachment.

Sect. 31. REx &c. vic' W. salutem, licet nos nuper per breue nostr tibi p̃ceperimus qd Attachiares A.R. Ita quod eum haberes corã nobis in cancellar nra ad certum diem in dict' br̃i content vbicunq; tunc foret ad respondend nobis tam de quodã contẽptu p̃ pf. A. illat vt dicebat quã de alijs sibi tunc ibid obijciend. Quibusdam tamen certis de causis nos iam mouent tibi præcipimus q̃ executioni br̃is nostri præd versus pf. A. fact' vel faciend supersedeas omnino. Et si ipsum A. ea occasione ceperis, tunc ipsum à prisona qua sic detinetur si ea occasiõ & nõ alia detineatur in eadem fine dilatione deliberari facias. Teste &c.

Of an Iniunction.

Sect. 32. And if the partie defendant cannot be taken by the vertue of the said Commission: then if the plaintifes suit be for title of land, the Court sometimes grants an Iniunction to the plaintife for possession, till the defendant hath appeared, answered, and satisfied his contempt. If for stay of suit at the common law, then an Iniunction vpon motion of the Court may be obtained: for the proceeding in this Court is, by the said writs, and by orders, Iniunctions, and decrees, which if the defendant resist, his punishment for this resistance, and for his con-

Punishment for the contempt.

tempt

tempt in not appearing, is imprisonment in the prison of the Fleet, as is said, during the Lord Chancellor, or Lord Keper their pleasure, or vntill he will obey and performe the order and decree of the same court, 37.H.6.13. and 14.39.H.6.26.

Of apparance.

BVt if the Defendant appeare by Atturney, vpon Affidauit, or oath made, that the Defendant is not able to trauaile for the answering of the same cause personally in the Chancerie without danger of life, or by reason of extreame age, or other infirmitie, or reasonable cause, then or otherwise the Chancellor or Lord Keper, or the Master of the Rolles by their discretions may, and often doe grant Commissions to certaine Gentlemen of credit in the Countrey where the Defendant dwelleth, to receiue and certifie his answer in writing, including the Complainants bill within the same Commission. The forme of such Commission ensueth. Sect. 33. Affidauit of vnableneſſe to trauaile.

Of a Dedimus potestatem, *or Commission to receiue an Answer.*

REx, &c. dilectis sibi W.S. & A.B. armig' salutem. Cum I.B. quandam petitionem coram nobis in Cancell' nr' versus W.C. & I. vxor' eius nuper exhibuit, quodq; eisdem W. & I. p breue nostr' præcipierimus, quod essent coram nobis in dicta Cancell' nostra ad certum diem iam præteritū, petitioni p̄d' responsur'. Ac eijdem W. & I. adeo impotentes sui existant, quod vsq; Cur' Cancell' nostr' p̄dict' ad diem illum ad responsiones suas eidē petitioni faciendas absq; maximo corporum suor' periculo laborare non sufficiunt vt accepimus. Nos statui eorund' W. & I. pie cōpatientes atq; de fidelitatibus vestris pleni' confidētes, dedimus vobis vel duob' vr̄m potestatem & authoritatē ipsos W. & I. de & super materia petitionis p̄d' diligenter examinand'. Et ideo vobis vel duobus vr̄m mandamus, quod ad certos diem & locum quos ad hoc ꝓuideritis ad p̄f. W. & I. accedatis, si commode ad vos laborare non possint, ac ipsos W. & I. de & super materia petic' p̄d' sup Sacram̄ sua coram nobis vel duobus vestr' corporal' pstand' diligenter eximin' dictasq; responsiones recipiatis & in scriptis redigat', & cum illas sic reciperitis, eas nobis in Cancell' nr̄a p̄d' cum tenore præd' ac nomina Attorn' suorū ad lucrand' vel p̄dend' in p̄missis in Octab. &c. vbicunque tunc fuerit sub sigillis vestris vel duorū vestr' plane distincte & aperte mittatis & hoc breue. Teste &c. Sect. 34.

Which Commission is commonly returned with this indorsement.

Returne of the Commission.

Executio istius breuis (or) istius Commissionis patet in quibusdam scedulis eidem annexis.

Adding the Commissioners names thus:

W.S.
A.B.

And then to file the said Bill which is sent inclosed in the said Commission, and the defendants answer to the backside of the same Commission. And under the said answer the commissioners most commonly cause the defendant to subscribe his name, or to set his marke, and set downe thereunder also these or the like words:

Capta apud C. in Com Eborum, 23. die A. Ann regni Iacobi Dei gratia, Angliæ, &c. coram nobis,

W. S. &
A. B.

Delivery of the Commission in Court.

The Commissioners subscribing their names also to the said answer. And when this or any other Commission returneable in this Court is executed and returned, it must bee brought into the same Court, either by one or moe of the Commissioners thereof, or by some other credible person: but if any other than some of the Commissioners doe put it into the Court, he must take oath that hee received the same Commission at the hands of some of the Commissioners thereof, and that by his consent, procurement, or knowledge, it hath not bin opened or altered, since he so received the same.

Oath.

Of a Supersedeas to stay the execution of a Commission to examine witnesses.

Sect. 35.

And yet sometime upon good cause a writ of Supersedeas is awarded to stay the execution of such, and other Commissions in this forme following.

Rex præd & fideli suo Io. domino Darcy, Ac dilectis G. F. A. F. & T. R. armigeris salutem. Licet nos nuper p breue nostrum assignauim' vos tres vel duos vestrum, ad quoscunq; testes super quibusd Interrogat in dicto breui nro intercluſ. p parte W. W. quer. versus R. M. & I. S. defendentes. Ac q vos examinationes testium præd nobis in Cancel nostram ad certum diem in dicto breui nostro limitat sub sigillis vestris trium vel duorum vestrum mitteritis, put in eodem breui nostro plenius contin. Quibusdam tamen certis de causis nos ad præsens specialiter mouentibus, vobis præcipimus q in execution dicti breuis nostri per vos, tres vel duos vestrum, vlterius fact' vel faciend minime pceedatis, sed inter supersedeatis, vnico dict' breui nostro vobis prius in contrarium direct' non obstan, T. meipso apud &c.

A Commission to proue that one who had made Affidauit, *that the defendant was so sicke and impotent that he could not appeare in the Chancerie, to answer the plaintifes bill, and therein deposed vntruly.*

REx p̄dilecto & fideli suo O. domin̄ S. Iohn de Bletsoe ac dilecto sibi Lodouico Dyue R.N. & R.A. armiger̄ salutē. Cum nuper Cur̄ nostr̄ Cancellar̄ ex parte I.G. milit̄ relatum fuerit & suggestum erat p̄ sacram̄ cuiusd̄ R.L. p̄ pf. I.G. craft. S. Mart̄ vltimo p̄terito ita laborauit aduersa valetudine & adeo impotens sui extitit q̄ vsque dict̄ Cur̄ nostr̄ Cancel̄ p̄d̄ ad diem illum ad respons. suam petitioni R.G. armiḡ fiend̄ absq; maxim̄ corpor̄ sui periculo laborare non sufficiebat. Et nos veritat̄ explicari & inuestigare volentes vt tuti⁹ & consultius p̄ Iust. in hac parte p̄cedere valeamus p̄ vos certiorari volumus, dedim⁹ vobis igitur tribus vel duobus vestr̄ ac p̄ præs. dam⁹ potest & authoritat̄ scrutandi, inquirendi, & inuestigandi tā super articulis et interrogat̄ per antedict̄ R.G. corā vobis tribus vel duobus vestr̄ deliberand̄ & ad testes quoscunq; ministrand̄ quos maxime p̄ testatione præmissor̄ for̄ videritis necessar̄ corā vobis euocandum. Ac ipsos testes & eorum quē libet tā de et super articulis præd̄ cū cunctis circūstant̄ diligent̄ examinād̄, examinationesq; suas in scriptis redigend̄, quam omnib⁹ aliis viis, mediis & modis quibus melius sciueritis, seu poteritis vtrum pres. I.G. ita languidus fuit ad dict̄ di̇ē craft. Mart̄ q̄ absq; periculo sui corp̄ laborare minime potuit. Et ideo vobis tribus vel duobus vestrum mandam⁹ q̄ visis p̄sent̄ ac tenore articulorum & interrogatorior̄ p̄d̄ per pref. Reginald' ministrandor̄, & p̄ vos plene intellect̄ testes pred̄ quos in hac parte vt præd̄ est fore videritis necess. euocetis corā vobis tribus vel duob⁹ vestrū ad certos dies & loca, quos ad hoc p̄uideritis, venireque faciatis, ac ipsos & eor̄ quemlibet de & super veritate præmissor̄ super eorum sacramentis coram vobis corporalit̄ p̄stād̄ diliḡ examinetis, examinationes suas recipiatis, & in scriptis redigat̄, & tūc cū sic fecer̄itis nos inde in Cancel̄ nr̄a de omni facto vestr̄ in hac parte in octab' S. Hillar̄ p̄xim' futur̄ vbicunq; tunc fuerit sub sigil̄ vestr̄ trū vel duor̄ clauf reddatis certiores vna cum br̄i nobis remittend'. Teste rege apud Westm̄ 28 die Nouembr̄ anno regni reg' Iac. 3. Sect. 36.

Of imperfect Answers.

BVt if the defendant appeare personally, or by Atturney, and make an imperfect answer, then vpon demurret tendred, and motion made in Court by the plaintifes councell, shewing the imperfection of such answer, an order will be made, that the defendant shal make a better answer by some certaine time, and thereupon issueth a Subpœna ad Sect. 37. Subpœna to make a better answer.

faciendum meliorem reſponſum.

Receiuing and ioyning in Commiſſion ad examinand' teſtes.

Sect. 38. Replie.

And when the defendant hath made a perfect anſwer, the plaintife either of his owne accord, or by order in Court muſt reply, or be diſmiſſed for want of a replication, and ordred to pay to the defendant coſts for his wrongfull veration, but vpon replication put in by the plaintife, the plaintife is to take out a Subpœn̄ againſt the defendant

Subpœna ad reiungend'.

ad reiungend', & iungend' in commiſsiō ad examinand' teſtes, which differeth nothing from the ſaid Subpœn̄ ad Comparand', but that it is indorſed with theſe or the like words:

Ad reiungendum & iungendum in commiſsione in materia W.S. Naming the plaintife.

Reioinder.

And thereupon the defendant muſt put in his reioinder to the plaintifes replication. And if any other matter be in the defendants reioynder than was in his anſwer, then may the plaintife put in a ſurreioynder, and thereby anſwer the ſame, and ſo proceed to perfect iſſue, the forme of all which hereafter appeareth: And the parties being ſo at iſſue, they either examine their witneſſes before the examiners of the Chancerie in Court, or doe procure a Commiſſion, ad examinandum teſtes, to certaine perſons of good credit, in forme following.

Surreioinder.

Iſſue.

Commiſſion.

Of a Commiſſion ad examinand' teſtes.

Sect. 39.

IAcobus Dei gratia, Angliæ, Scotiæ, Franciæ, & Hiberniæ Rex, fidei defenſor &c. dilect' ſibi I.F. R.H. armig' R.W. & N.S. generoſis ſalutem. Sciatis quod dedimus vobis, tribus vel duobus veſtrū, poteſtatem, & authoritatē teſtes quoſcunque de & ſuper quibuſdam interrogatorijs tam ex parte W.W. armigeri quereñ, quā ex parte A.M. vid' defen̄ vobis tribus vel duobus veſtrum deliberandū diligent' examiñ. Et ideo vobis tribus vel duobus veſtrum mandamus, qd ad certos dies & loca quos ad hoc prouideritis teſtes prædictos corā vobis trib', vel duobus veſtrum venire fac' & euocetis. Ac ipſos teſtes, & eorū quemlibet de & ſuper Interrogatorijs prædictis ſuper ſacramenta ſua corā vobis tribus, vel duobus veſtrum, per ſancta Dei Euangelia corporal' præſtand' diligenter examinetis. Examinationeſque ſuas recipiatis, & in ſcriptis in pergameno redigatis. Et cum illas ſic ceperitis, eas nobis in Cancell' noſtram in quindena Paſchæ proximum futurum, vbicunque tunc fuerit ſub ſigillis veſtris trium vel duorū veſtrū clauſ. diſtinctè & aptè mittatis vna cum Interrogatorijs p̄d', & hoc breui: Prouiſo

ſemper

ſemper q dict defend habeant ꝓmonitionē p ſpaciam quatuordecim dierū de die & loco executionis huius Commiſſionis ante executionē eiuſd, T. meipſo apud Weſtm 7. die Febr anñ regni nri ſecund.

The returne of which Commiſſion is commonly indorſed vpon the ſame thus:

Executio iſtius Commiſſionis patet in quibuſdā ſcedul eidem cōmiſſiōi annexis.

The Commiſſioners names.
W.S.A.B.C.D.

And then to file the interrogatories and depoſitions to the backeſide of the Commiſſion, & vpon receit of ſuch Commiſſion, the Commiſſioners, or the partie which hath the carriage of the ſame, if the day and place for execution thereof be not limited in the Commiſſion doe vſe to giue notice thereof to the partie in writing vnder their hands thus: Notice of the execution of the commiſſion.

A notice whereby Commiſſioners may giue the parties warning of the time and place of their ſitting for the execution of ſuch Commiſſion.

After our heartie commendations, whereas we haue receiued his Maieſties Commiſſion forth of his highnes Court of Chancery, to vs and others directed for the examination of witneſſes betweene C.S. plaintife, and W.R. defendant. Theſe are to ſignifie vnto you, that for the execution of the ſame Commiſſion, we whoſe names are ſubſcribed, haue appointed to ſit at S. in the Countie of D. the laſt day of the nert moneth, by eight of the clocke in the forenoone of the ſame day, which we haue thought good to ſignifie vnto you, that you may haue your Commiſſioners and witneſſes then there ready accordingly, if you thinke it expedient for you. And ſo bid you farewell, 27. Febr. 1600. Sect. 40.

Your louing friends,
A.B.C.D.

Of citing witneſſes.

And if ſuch Commiſſion giue authoritie to them, to cite, and call witneſſes before them, they vſe to do it by ſuch a Precept as followeth. Sect. 41.

The Precept of Commiſſioners, to bring witneſſes before them to be examined.

By vertue of his Maieſties Commiſſion forth of his Ꝑ. Court of

of Chancery to Sir A. B. knight, L. K. Esquire, and vs, directed for the examination of witnesses betweene G. D. plaintife, and W. R. defendant: These are in his Maiesties name to charge and command you, and euery of you, whose names are hereunder written, personally to appeare before vs at D. the last day of this moneth of August, by eight of the clocke in the forenoone, then and there to depose your seuerall knowledges, vpon the part and behalfe of the said C. D. And hereof faile you not, as you will answer your defaults at your perils. Dated this 15. of August. 1600.

Your very loving friends,
A B. G. T.

To our loving friends, Master B. L. G. C. R. P. I. P. Esquires. L. C. R. T. Gentlemen.

Subpœna ad Testificand'.

Sect. 42. BVt if that no such power be giuen by such Commission, then if the witnesses will not appeare gratis, they are compellable thereunto by Subpœna ad testificand in manner following.

Subpœna ad testificand' coram Commiss.

Iacob. &c. Quibusdam certis de causis &c. sitis coram dilectis nobis R. & C. armig' E. H. et E. C. gener', vel duobus eor' Commissionar' nostris vt vtrut brevis nostri de Dedim' potestat' eis direct' ad certos diem & locum quos pfat' Commissionar' vobis Scire facias (Aliter apud N. in com' B. 20. et 21. die Aprilis, px' futur') vt ipsi vos tunc & ibidem, de, et super quibusd' Interr' pro parte A. B. diligent' possint examinare & ad faciend' vlterius et recipiend' qd per dictos Commissionar' nostros vel duos eorum in ea parte considerat' fuerit, Et hoc sub pœna cent' lib' nullatenus omittat'. Et habeat' ibi hoc breue. Teste meipso apud Westm' &c. *vt supra.*

Of the stile of Interrogatories.

Sect. 43. INterrogatories to be ministred to the witnesses to be produced vpon the part and behalfe of A. B. compl. against C. D. defendant (if they be for the plaintife) But if for the defendant, vpon the part and behalfe of C. D. defendant, against A. B. complainant.

Inprimis, Doe you know the said parties, plaintife, and defendant, or either of them, &c.

Item, Do you know &c. As the cause requireth.

A

Of the stile of the Depositions thereupon taken.

Sect. 44. Depositions taken at H. in the Countie of E. the last day of April, in the third yeare of the reigne of our Soueraigne L. Iames by the

grace

grace of God, of England, Scotland, France and Ireland King, defender of the faith &c. vpon the part and behalfe of A.B. plaintife against C.D. defendant, (or vpon the part of C. D. defendant, at the suit of A. B. plaintife) by vertue of his Maiesties Commission forth of his highnesse Court of Chancery, to R.S.C.L.P.Q. and W M. or to three, or two of the directed, for the examination of witnesses betweene the said parties.

I.L. of A. in the Countie of E. Labozer, of the age of xlvj. yeares or thereabouts, swozne and examined, deposeth and saith vpon his oath as followeth.

Item, to the first Interrogatozy hee deposeth and saith, that &c. As the matter is &c. And so vpon the rest of the Interrogatores.

The direction of the Commission being executed Illustrissimo domino nostro Iacobo Regi in Cancellaria sua, *Of Publication, Hearing, and Breuiates, and after that then this*, Certific' depositiõ testium ex parte A.B. & C.D.

After that the witnesses be so examined in the Court, or by commission, as is afozesaid, Publication is to be had, and thereupon a day of hearing is to bee pzocured. Against which time, Breuiates must be made of the effect of the pleadings, depositions, and other pzoofes and euidence, and the counsell perfectly instructed of the whole state of the matter, and a Subpœna ad audiend iudiciũ, made and deliuered to the partie in conuenient time before the said day of hearing: At which time, albeit that vpon the hearing the matter be dismissed, yet may the parties haue the depositions of their witnesses exemplified vnder the great Seale of England for the furtherance and maintenance of their rights and titles, at, and by the Common Law. But if the matter be decreed for the compl. after the decree past and enrolled, hee may haue a Writ de Executione Iudicij which must be serued vpon the defendant. And if he refuse to iustifie the same, then vpon oath made thereof, pzocesse of contempt is to issue against him in fozme afozesaid. And if such decree be in suit of lands, and the defendant abide all the said pzocesse of contempt, and still detaine the possession of the lands from the plaintife contrary to the said decree: then vpon motion thereof made in the Court, a Commission is vsually granted to the Shertife, and seme others neere adioyning to the lands in question, to put the plaintife in possession, and to keepe him in possession according to the said decree.

Sect. 45.

Subpœna to heare iudgement.

Exemplification of the depositions.

A writ de executione iudicij Contempt.

Commissiõ to put the plaintife in possession.

A Com-

A Commission to the Sherife to put and keepe the plaintife in possession according to an order therin taken, vntill a cause then depending in suit be heard and determined.

Sect. 46. REx &c. vic' Kanc' salutem. Cum p ordinationem capt in Cancell' nostra 3. die Iulij vltimo pterito inter W.A. quereñ & W.Y. & alios defendent, ordinat fuit q pd W.A. & assignat sui pacifice & quiete haberent, gauderent, & occuparent vnum messuag' siue tenement cum ptiñ iacent & existent in E. & R. in com pred inter partes pred in Cancell' pred in controuersia pendent indecisa absq; vexatione, molestatione siue interruptione pred W.Y. siue aliquarum personarũ sub titulo, interesse, Iur', vel ꝓcuratione suis donec materia inter partes pd in Curia nra pd finaliter determinetur. Et quia iam ex testimonio fide dignorum accepim', q diuerse alienigine ignote inhabitañ extra com Kanc' per ꝓcurationẽ pd defend vt asseritur possessionẽ messuag' & tenẽt pd cũ ptiñ vi & armis, ac manuforti tenent in defraudation & cõtemptũ ordinis pd, ac ipsum W.A. & assignat suos extra possession messuag' & ten pred custodiunt contr' form & effectum ordinis pdict': tibi igitur ꝓcipimus q immediate post receptionẽ hui' breuis assũpt tecum sufficient potestat Com nostre Kanc' pdict' in ꝓpria persona tua ad messuagium, siue tentum pred accedas & attachiari & arrestari facias quascunq; personas ibid inueneris possessionẽ messuag', tenẽt siue terr pd siue alicuius parcell' tenentes, & eos & eorum quemlibet de die in diem duci facias vsq; prisonam nostram de Fleete gardiano nostro ibid liberandum & ibid moratur quousq; de eorum deliberation aliter duximus ordinandum. Ac vlterius tibi præcipimus firmiter iniungendo q inde pred W.A. & assignat suos in pacifica & quieta possessionẽ eiusd de tempore in temp' manuteneas donec aliter inde à nobis habueris specialiter in mandatis. Et quid inde feceris sciri facias Cancell' nostro. Teste &c.

A Certiorare to Commissioners to certifie the depositions taken by Commission.

Sect. 47. REx &c. dilectis sibi A.B. & C.D. gener', salutem, Volentes certis de causis Cerciorari super quasdam depositiones testium inter H.G. querent & C.D. defend p vos, tres vel duos vestrum virtute breuis nostri de Commissione vobis in ea parte dirct' capt & adhuc penes vos residen, vt est dictum, vobis mandamus quod depositiones pred cum omnibus eas tangeñ adeo plene & integre prout corã vobis capt fuer nobis in Cancell' nostram in quindena Paschæ proxim futur vbicunq; tunc fuerit sub sigillis vestris trium vel duorum vestrum distinct' & aperte mittatis & hoc breue. Teste &c.

Of

Of a Commission to examine witnesses in perpetuall memorie.

FIrst the plaintife must exhibit his bill, and thereby shew his title to the land, lease, or such like matter that he hath right vnto, and that the witnesses which can proove his title are aged, and not like long to liue, whereby he may be in danger of the losse of the thing in question. And therefore to pray to haue a Commission directed to certaine Gentlemen of credit and worship, for the examination of the said witnesses: & also to pray processe of Subpœna against him, or her, or them, to shew cause, if he or they can, why the plaintif should not examine his witnesses, as aforesaid. The forme of which processe ensueth, in hæc verba: Sect. 48.

Iac. Dei gratia, Angl, Scotiæ, Fran, & Hyberniæ, Rex, fidei defensor &c. I. S. salutem. Cum A. B. exhibuit, coram nobis in Cancellar nostra quandam petitionem vt quidam testes in perpetuam rei memoriam versus te examinarent, & ne id tibi in preiudiciū cederet: Tibi præcipim⁹ firmiter iniungentes, q̄ omnibus alijs prætermissis, & excusation quacunq; cessante, in ꝑsona tua, vel per tuum Atturnatum, aut deputat' his coram nobis in dicta Cancellar nra infra quatuordecim dies immediate post receptionē hui⁹ breuis (si tibi ita visum fuerit) vt dicti testes, aut alij quicunq; ex pte tua ibid' similit exam possint, (si ita velis) vel vt ostendas & ꝓponas, vel ostēdi & ꝓponi fac', tūc & ibid' bonā sufficient & ꝓbabile matiam ꝓ pte tua quare ijdē testes ꝓ parte dicti A. B. in forma præd' exam̄, & postea eorū examinationes secund' ordinem & cursum dict' Cur' nostræ publicari & diuulgari non debeant.

Concerning these matters of the Chancerie, note what ensueth.

And if the partie defend. doe appeare, either by himselfe or his counsell, and shew such sufficient cause as the Court will allow of, why the plaintife should not examine his witnesses, as is aforesaid, then the plaintife may not proceed therin, vnlesse he can better satisfie the court to the contrarie. But if the defendant bee contented, and will ioyne with the plaintife in examination: then after examination so had, there can be no publication thereof during the liues of the witnesses, vnlesse the defendant doe assent, or vnlesse the plaintife, or some other in his behalfe doe make oath, that the matter whereupon the witnesses were examined, is to take triall at the common Law, either at the Assises, or at the barre. And that A. B. or more of the witnesses before examined, are necessary witnesses, and not able to trauell to the said triall: And vpon such oath taken, his or their depositions are to bee published of course. And to be exemplified, if the partie so require.

But if the party defend. doe not appeare vpon the said writ, neither by

by himselfe nor his Atturny, by the end of the said viij dayes, nor shew no cause of stay thereof, whether it be in terme or out of terme time, the vpon oath made of the serving of the same writ, the L. Chancellor, Lord Keeper, or master of the Rolls for the time being, at the request of the plaintife, will appoint Commissioners for the examination of the plaintifes witnesses, according to certaine orders prescribed in that behalfe.

There be also many other different formes of Subpœna's and Commissions, of which some not hereafter mine.

Subpœna ad testificandum super petitionem.

Sect. 49. AD testificandum pro parte tua in quadã materia content in quadam petitione ad sectam tuã versus quendã W. M. coram nobis in dicta Cancel nra nuper exhibit, vel tu ipse sis corã nobis, &c.

Alter ad testificandum ad Assisas quare super articulis.

Sect. 50. TItis corã Iustic' nostris ad Assisas in com H. capiend' ad px' assisas in com præd', ten apud L. die Lunæ, in tertia septimana quadrages, vt ijdē Iust. vos tunc & ibid' p pte R. W. de, et super veritat quorund' artic' per præf. R. vers. A. B. exhib' possint examin', Et sub pœna, &c.

Subpœna ad ostendendum causam quare euidenc' non deliberentur.

Sect. 51. REx &c. Quibusdam, &c. vsque vbicunq; tūc fuerit ad ostendendum quare euidenc' et script p te in Canc' nostr' præd', nuper deliber', & ibid' adhuc remanen' W. C. deliber' non debeant. Et ad faciēd &c. *vt sup.*

Subpœna ad testificandum ad Assisas in London.

Sect. 52. TItis coram dilecto & fideli nostro Ed. And. milit capitali Iust. nro de Banco, ac Iust. ad assisas in ciuit Londō capiend' assign apud Guildhald' ciuitatis Lond' præd', die veneris, viz. nono die instantis mensis Feb, px' fut, vt ijdē Iust. vos tūc et ib' p parte H. T. possint examinar. Et hoc &c.

Subpœna ad testificand' coram Vicecom' London.

Sect. 53. IAcobus Dei gratia Angl, Scotiæ, Fran, &c. W. I. salutem: Quibusdam certis de causis coram nobis in Can nostra propositis: Tibi præcipimus, firmiter iniungentes, quod omnibus alijs prætermissis, et excusatione quacunq; cessante, in propria persona tua sis coram Vicecomit ciuitatis nostræ London, apud Guilhaldam eiusdem Ciuitatis die

Iouis

Iouis ꝓxim̃ futur̃, ad teſtificand̃ veritatem in materia coram eis pendent̃ & ad faciend̃ vlterius, & recipiend̃ q̃d de contingerit ordinari tũc ibid̃. Et hoc pœna centum libraꝝ nullatenus omittas. Et habeas ibi hoc breue. Teſte meipſo apud Weſtm̃ vltimo die Martij, Anno regni noſtri 3.

Subpœna pro Euidentijs adferendis.

REx R.D. ſalutem. Quibuſdam certis de cauſis coram nobis in cancell̃ noſtrã ꝓpoſitis: Tibi præcipimus, firmiter iniungentes, quod omnibus alijs pretermiſsis & excuſatione quacunque ceſſãte, in ꝓpria perſona tua ſis coram nobis in dicta Cancell̃ noſtra in quindena Sancti Hillar̃ proxim̃ futur̃, vbicunq; tunc fuer̃, adſciens tecum omnia & omnimoda cartas, ſcripta, euidentias, & munimenta in cuſtodia tua, aut alicuius alterius perſonæ, aut per tuum deliberationẽ ad tunm vſũ exiſtẽ, vnum meſſuag', vocat̃ Le G. & horreum cum omnibus terris eidẽ meſſuagio pertin̄ concernẽ, in quadam petitione ꝓ W.T. coram nobis in Cancell̃ noſtra præd̃ verſus te exhibit̃, content̃ ſpecificat̃, & ad faciend̃ vlterius, & recipiendũ q̃d Curia nr̃a conſiderauerit in hac parte. Et hoc nullatenus omittas. Et habeas ibi hoc breue. Teſte &c. Sect. 54.

Aliter pro Obligatione deliberanda.

ADferens tecum quandam Obligationem per quam W. C. Miles tenetur & obligatur T.B. milit̃ nuper marit̃ tuo iam defuncto in ducentis marcis in cuſtodia tua exiſtẽ, vt dicitur, & ad faciend̃ vlterius, &c. *vt ſupra.* Sect. 55.

And when a ſuit hath depended vnproſecuted two yeares, they award a Subpœna de Atturnat̃ faciend̃, *in this forme.*

REx B.R. ſaluꝫ &c. (vſq; tunc fuerit, & tunc ſic) ad faciend̃ Atturñ in materia quæ eſt coram nobis in dicta Cancell̃ nr̃a inter te defend̃, & M.S. quereñ per billam, & ad faciend̃ &c. *vt ſupra.* Sect. 56.

Commiſſio ad recipiendum reſponſum, & ad examinandum teſtes quoſcunque & ad audiendum & terminandum.

REx dilectis ſibi A.T. armigero, & B.S. armig', ſalutem, Cum A.W. quandam petitionem coram nobis in Cancellaria noſtra verſus R C. nuper exhibuit, quodque eidem R. per breue noſtr̃ præciperimus quod eſſet coram nobis in dicta Cancell̃ noſtra ad certum diem iam præteritum ſub certa pœna in dict' breui noſtro contenta petitiõ p̃d reſponſur̃: Sciatis quod aſsignauimus vos, ac tenore præſentiũ damus vobis vel vni veſtrum poteſtatem & authoritatem reſponſiõ præfati R. ad Sect. 57.

R. ad petitionem prædꝫ recipiendꝫ, & in ſcriptis redigendꝫ, & quoſcũq; teſtes, de & ſuper materia in petitione & reſponſione p̃dꝫ, contenꝫ, examinandꝫ, ac eandꝫ materiam iuxta ſanas diſcretiones veſtras vel vnius vr̃m audiendꝫ, & finaliter determinandꝫ. Et ideo vobis mandamus, q̃ viſo tenore petitionis prædꝫ, quam vobis mittimus p̃ſentibus interclu-ſam, præf. R. coram vobis, vel vno vr̃m venire faciatis, ac reſponſ. ſuam petitiõ prædꝫ in forma prædict', fiendam ſuper Sacramentum ſuum recipiatis, & in Scriptis redigatis, necnon teſtes p̃dꝫ, corã vobis vel vno vr̃m ad certos dies & loca, quos ad hoc ꝓuideritis coram vobis venire faciatis, & euocetis, ac ipſos, & eorum quemlibet, de & ſuper veritate petitione, & reſpõſiõ p̃dꝫ, ac de & ſup articulis omnibus & ſingulis p̃-miſ. qualitercunq; cõcernꝫ ſup eor̃ ſacram̃ corporal' preſtandꝫ, diligenter examinet, examinationeſq; ſuas recip̃ & in ſcript' redig'. Et cum eas ſic ceperitis eandꝫ materiam partibus ad id voc', viſiſq; eorum ſcriptis & auditis hinc inde eorũ rationibus, & allegationibus, omnibus vijs, modis & medijs quibus melius ſciueritis, aut poteritis, vel vnus vr̃m Sciuer̃, aut poter̃, iuxta ſanas diſcretiones veſtras vel vnius veſtr̃ finaliter determinetis, vel vnus vr̃m determinet̃: Sin autẽ nos de omni eo q̃ inde feceritis vel vnius vr̃m fecerit, in Cancellaria nr̃a ſub ſigillis veſtris, vel vnius vr̃m in Quindena Sancti Michaelis ꝓxim̃ futur̃, vbicunque tunc fuerit diſtincte & aperte reddat̃ certiores, hoc breue, vna cum petitione, reſponſione, & teſtium examinationib⁹ prædꝫ nobis remittentes, &c.

Commiſsio ad audiendum & terminandum materiam in petitione, & reſponſione, & ad examinand' teſtes quoſcunq;.

Sect. 58. REx dilecto ſibi A.B. ſalutem. Quia de & ſuper veritate querimoñ in quadam petitione coram nobis in Cancellaria noſtra per T. C. verſus I. R. & alios nuper exhibita contenꝫ, ac de & ſuper veritate in quadam reſponſione per partes prædꝫ in hac parte facta, & in eadem Cancellaria ſimiliter exhibet̃, necnon de & ſuper omnibus articulis & circumſtantijs querem̃oniam & reſponſionem illas concernent̃, vt tutius & conſultius ꝓ Iuſtitia in eiſdꝫ exhibendꝫ ꝓcedere valeamus vobis de quorum fidelitatibus, & ꝓuidis circumſpectionibus plene confidimus, Dedimus vobis, vel duobus vr̃m poteſtat̃ & authoritatem audiendi & examinandi materiam in petiti ñ, ac reſponſioñ, ac in omnibus articulis & circumſtantijs prædictis, querimoniam, & reſponſionem illas concernen̄, hijs præſentibus annex' contentam, & ſpecific' & eandem materiam iuxta ſanas diſcretiones veſtras finaliter ſi poteritis determinandꝫ. Et ideo vobis, vel duobus veſtrũ mandam⁹, quod ad certos dies & loca, quos ad hoc ꝓuideritis, teſtes quoſcunq; inter par-

tes

tes prædᵗ, quos maxime pro teſtificatione veritatis præmiſſorū fore videritis euocandos, corā vobis vel duobus veſtrum euocetis, Ac ipſos teſtes & eoꝝ quemlibet de & ſuper querimonia, reſponſione, articulis, & circumſtantijs prędᵗ ſuper ſacramenta ſua diligenter iuretis, & examinetis. Et ſuper hoc auditis hinc inde earum rationibus, & allegationibus, ac alijs vijs & modis, quibus melius ſcieritis aut poteritis eandᵐ materiam vt prædict' eſt finaliter ſi poteritis determinetis. Sin autē, nos in Cancellᵃᵒ noſtra de omni eo qd inde feceritis in quindena ſancti Hillᵃᵒ ꝓx' futur', vbicunq; tunc fuerit, ſub ſigillis veſtris, vel duorum veſtrum diſtincte, & apte reddatis certiores, remittēn nobis tunc tenores prædict', vna cum hoc breue. Teſte, &c.

Commiſſio ad examinandum Teſtes ad locum & diem certum, de valore bonorum & catallorum.

REx dilect' ac fideli ſuo R.B. Milit', ac dilect' ſibi I. D. & P.W. armiger' ſalutem. Sciatis q̄ nos de fidelitatibus, & prouidis circūſpectionibus veſtr' plurimū confidentes aſſignauimus vos, ac tenore præſentium damus vobis vel duobus vr̄m plenā poteſtatem & authoritatē inquirendi, tam per depoſitiones quorumcunq; teſtium, coram vobis producendᵐ, & examinandᵐ, quam alio quocunq; modo ad libitum vr̄m, quæ bona & catalla fuerunt I.M. generoſi, ſiue alterius cuiuſcunque remanent' infra domum manſionalem, ſiue firmam de C. in E. in comit' Oxon quo tempore Ro. Bi. poſſeſſionem eiuſdem domus ſiue firmæ natus ſit, & cuius valoris ſiue præcij, eadem bona & catalla ſic infra eandᵐ domum, & firmam prædᵐ exiſtentia ad tunc fuerunt, & extiterunt. Damus etiam vobis, vel duobus vr̄m poteſtatem & authoritatem teſtes quoſdam quorum ſeperalia nomina in quibuſdᵐ Interrogator' præſentibus intercluſ. ac eiſdem teſtibus ſeperaliter proponendᵐ, inſerta apparebunt de & ſuper eiſdᵐ Interrogat' diligent' examinandᵐ. Et ideo vobis mandamus, q̄ ad certos dies & loca quos ad hoc ꝓuideritis, teſtes p̄dict' ac alios quoſcunq; quos maxime ꝓ teſtificatione veritatis fore videritis neceſſarios & opportunos corā vobis vel duob⁹ vr̄m venire faciatis, & euocetis, ac ipſos teſtes, & eoꝝ quemlibet tunc & ibidᵐ, tam de & ſup̄ pleno & iuſto valore omniū & ſingulor' bonor', & catall' prædict' quam de & ſuper Interrogator' prædictis, ſuper ſacramēta ſua per ſancta Dei Euangelia coram vobis, vel duobus vr̄m corporaliter prēſtanda diligenter examinetis. Examinationeſq; ſuas recipiatis, & inſcriptis in pergameno redigatis. Et cum eas ſic ceperitis, nos inde ac de omni eo quicquid pro melſore cogn̄ præmiſſor' feceritis, vel duo vr̄m fecerint in Cancellaria noſtr' in Octabis Sancti Michael' proxim' futur', vbicunq; tunc fuerit, ſub ſigillis veſtris, vel duorum veſtrum clauſ. diſtincte Sect. 59.

distincte, & apte reddatis certiores, remittẽ nobis Interrogator̃ prædict' vna cum hoc breue. Teste &c.

Commissio ad superuidendum & distinguendum Vastum.

Sect. 60. REx dilect' ac fideli suo Willihelmo P. Milit, ac dilect' sibi W.T. armiger salutem. Sciatis q̃ nos de fidelitatibus, & prouidis circuspectionibus vestr̃ plenius confidentes assignauimus vos, ac tenore p̃sentium damus vobis plenam potestat̃ & authoritat̃ audiendi & examinand̃ quand̃ materiam in quibusd̃ articulis his p̃f. annex' contentã, & specificatam, & eandem materiam iuxta sanas discretiõ vestr̃ finaliter si poteritis d. terminand̃. Et ideo vobis mandamus, qd ad certos dies & loca, quos ad hoc ꝓuideritis ad quoddam vastum vocat' blacke downe super M. in com̃ S. in articulis præd̃ specific' p̃sonalit accedatis vastumq; illud supuideatis, ac tam p̃ depositiones testiũ quã alijs vijs, modis, & medijs quibus melius sciueritis aut poteritis diligent̃ inquir̃ quantum inde ad maner̃ de H. & quant̃ inde ad maner̃ de W. in com̃ p̃d̃, ptinere debeat, & supinde, limites, bundas, metas, & diuisas, inter vnũ & aliũ, & quant̃ ad vnũ, & quantum ad alium maner̃ prędict' ptiñ vobis constare poterit, poni faciat̃ & limites examinationesq; testium p̃d̃ recipiatis, & in scriptis redigatis, omnesq; alias depositiones testiũ antehac examinat̃, munimenta, scripta, recorda, transcripta, territoria, chartas, ac alias euidentias quascunq; per partes in articulis p̃d̃ specificat̃, cor̃ vobis exhibend̃ acceptetis & inspiciatis. Et super hoc, materia in articulis p̃d̃ specificat̃ iuxa sanas discretiones vestras finaliter si poteritis determinet̃: Sin autem nos in Cancell̃ nostra de omni eo qd inde feceritis in quindena Sancti Michael̃ ꝓxim̃ futur̃ vcicunq; tũc fuerit sub sigillis vestris distincte & aperte reddatis certiores, remittẽtes nobis articulos prædictos vna cum præsentibus. Teste, &c.

A Commission directed to the Lord Deputy of Ireland, and the Lord Chancellor, with others, for the hearing and determining of a Title of Land.

Sect. 61. IAmes by the grace of God, &c. To our trustie and right well beloued Sir H. S. knight of the order &c. L. Deputie of our Realme of Ireland, H. C. Archbishop of D. our Lord Chancellour there, Sir I. P. knight chiefe Iustice of the Pleas there, I. B. Esquire, chiefe Baron of our Exchequer there, F. A. Esquire, one of our ꝓuie Councell there, I. D. Esq. second Iustice of our chiefe Bench there, R. F. Esq. our Serieant at the Law there, and L. D. Esq. our Solicitor there, Know ye, that for certaine considerations thereunto moning, and of our

our meere motion, & for the great confidence and trust we haue in your fidelities, circumspections, prouidences, and wisedomes, we haue deputed, ordeined, authorised, appointed, constituted, giuen, and granted, and by these presents do depute, ordaine, authorise, constitute, appoint, giue, & grant vnto you, or any viij, vij, vj, v, iiij, or ij, of you (of which we will that, &c. be alwayes one) full power, iurisdiction and authoritie to hold plea, heare, determine, discusse, decree, and finally to iudge of all and singular actions, debates, strifes, quarrels, rights, titles, and demands whatsoeuer they be, as well reall as personall, which by plaint, supplication, or bill to be exhibited, or otherwise by any manner of meanes else, shall or may appeare, or come before you, or any viij, vij, vj, v, iiij, or three of you, (of which we will that, &c. bee alwayes one) of, for, and concerning the interest, right, title, demand, and possession of two parts or moities, of all those lands, &c. with the appurtenances in the countie of D. within the said Realme of Ireland, to be by D. D. late of, &c. I. D. widow, F. D. P. D. D. D. Gentlemen, and sonnes to R. D. late deceased, & R. D. nephew to the said F. P. and D. or by any of them seuerally, or ioyntly, or any ij, iij, iiij, v, or vj, of them against C. S. alias P. lord of A. within our said Realme of Ireland, and all and euerie other person or persons, which shall claime from, by, or in the right of the said Lord, or in his or their owne right or rights, or by any meanes else whatsoeuer it be, which he or they claime to haue to the said moities of the two parts of the said lands, &c. with the appurtenances aforesaid: giuing and granting, and by these our Letters Patents we doe giue and grant vnto you, or to any viij, vij, vj, v, iiij, or ij, of you, (of which number we will that, &c. be alwayes one) full power, iurisdiction, and authoritie to call before you, or any viij, vij, vj, v, iiij, or ij, of you, (of which we will that, &c. be alwayes one) at such times and places according to your good discretions, which vnto you, or any viij, vij, vj, v, iiij, or ij, of you, (of which we will, &c. be alwayes one) and to cause the said Lord P. or any which claimeth in his or their owne right or rights, or by any waies or meanes else whatsoeuer, any interest, right, title, or possession in the two parts or moities of the said lands, &c. with their appurtenances aforesaid, or any parcell thereof, to answer, reioyne, and ioyne issue, or otherwise plead, as the cause & matter shall require, and vpon any plaint, supplication, action, or suit whatsoeuer, which shall be exhibited, or come before you, by the aforesaid D. D. P. P. I. D. F. D. P. D. and R. or by any of them iointly or seuerally, or any ij, iij, iiij, v, or vj, of them, of, and concerning the said two parts or moities of the said lands, &c. with their appurtenances aforesaid: Giuing and granting, and by these presents we doe giue and grant vnto you, or any viij, vij, vj, v, iiij, or ij, of you, (of which we

will that, &c. be alwaies one) full power, iurisdiction, and authoritie, according to your wisedoms, discretions, and prouidences, to call before you all maner of witnesses, and to examine all charters, euidēces, muniments, writings, & euery other thing else, which may be a meane to proue, iustifie, disclose, or make euident the interest, right, titles, demaund, or possession of any of the aforenamed parties, to the said two parts or moities of the said lands, &c. with their appurtenances aforesaid, and vpon the same throughly and with mature deliberation and iudgement considered and weighed, we do giue and grant vnto you, or any viij. vij. vj. v. iiij. or ij. of you, (of which number we will that, &c. be alwayes one) full power, iurisdiction, and authority to proceed to the full order, decree, definition, sentence, & finall iudgement, according to your discretions, of the interest, right, title, demand, and possession of the said two parts or moities of the said lands, &c. with their appurtenances aforesaid, and to decree the possession of the premisses to him, or them, to whom of right it ought to appertaine, and his or their said possessions to maintaine: And if any of the parties aforenamed or any other person or persons which shall haue to doe in the same matter or cause, doe wilfully or obstinately withstand or disobey any processe, order, decree, sentence, or iudgement, which shall bee directed or giuen in the premisses by you, or any viij. vij. vj. v. iiij. or ij. of you, (of which number we will that, &c. vt supra, be alwaies one:) Then we will and command you, and by vertue of these our Letters Patents giue full power, warrant, and authority vnto you, or to any viij. vij. vj. v. iiij. or ij. of you, (of which number we will that, &c. be alwayes one) to commit him or them to prison, there to remaine till his, her, or their conformities shall be therein had, willing and commanding you, or any viij. vij. vj. v. iiij. or ij. of you (of which we will, &c. be alwaies one) that at such times and places, as to your discretions, or to the discretion of any viij. vij. vj. v. iiij. or ij. of you, of which number, &c. be alwayes one) shall seeme fit and conuenient, diligently to attend, apply, & with speed put in execution the effect of this our Commission, so as the complainants beforenamed, or any of them which shall haue to do therein, may not haue iust cause to make further complaint for delay or want of Iustice, willing and commanding you, or any viij. vij. vj. v. iiij. or ij. of you, (of which we will, &c. be one) to admit no dilatorie exception to any supplication or supplications, bill or bills of complaint exhibited, or to be exhibited before you, or any viij. vij. vj. v. iiij. or ij. of you, (of which number wee will that, &c. be alwayes one) or otherwise to the ouerthrowing of this our Commission: But according to our meaning herein to proceed, and to goe to the full hearing, ordering, decreeing, iudging, and determining of the right, title, and demaund of the

parties

parties aforesaid, of, for and concerning the premisses, & euery part and parcell thereof, and accordingly to decree and iudge, as to equitie & right shall appertaine: any Act, Statute, Law, Prouision, or Ordinance to the contrarie thereof notwithstanding. And therefore faile you not, if you tender our fauor: for if our said subiects D.D. P.P. I.F. M.D. and K.D. should be put from such triall of their right to the premisses, as by this our Commission we haue prouided for them, their disability and want of riches, wealth, friendship, and aliance considered, & of the other part of the said Lord of H. their aduersarie, beeing throughly furnished of all those things, and withall being a Lord by birth, & of great calling and authoritie, and inhabiting within the said Countie, where the said lands &c. do lie, our said subiects should be in perill and danger to be without remedy at our common Laws there, which were no smal mischiefe to them. The premisses considered, we haue granted this our Commission according to the tenor aforesaid. And further, we will and command you, and by vertue hereof giue full power and authority vnto you, or any viij. vij. vj v. iiij. or iij. of you, (of which we will that &c. be one) that after the right, interest, title, and demand decréd, adiudged and determined, as is aforesayd: that you haue consideration vnto the hinderance, losses, & damages, which the complainants, or any of them, as is aforesaid, haue had and sustained, by reason of the wrongful detaining of the possession of the premisses and the said damages by you, as is aforesaid, tared and extracted, thereof to cause a full execution & satisfaction to be had and made vnto the said complainants, and euerie of them, as is aforesaid. And for the better putting in executiõ of this our Commission, we will and command the Sherife of that our said countie of D. and all other our officers for the time being, to whom in this case it shall appertaine, that they and euery of them be attendant vpon you, or any viij. vij. vj. v. iiij. or iij. of you (of which we will &c. be one) for the executing, fulfilling, and doing of all and euery act and acts, thing or things, as shall be by you, or any viij. vij. vj. v. iiij. or iij. of you (of which &c. be alwaies one) commanded, limitted, or appointed. In witnesse whereof &c.

Hauing hitherto in some sort shewed the Writs of Commission, and course of proceeding in Chancerie suit: It seemeth needfull now to expres what Bils of Complaint, Answers, Replications, Reioynders, and Surreioynders be, with diuers formes thereof, according to the causes of suit.

What a Bill of Complaint is.

A Bill of Complaint is a declaration in writing, shewing the plaintifes griefe, and the wrong which hee supposeth to bee done Sect. 62.

vnto him by the defendant, and what damages he ſuſtaineth by occaſion thereof, praying proces againſt him for redreſſe of the ſame, as may appeare by many examples hereafter following, whereupon Hoſtienſis hath theſe Verſes:

Quis, quid, coram quo, quo iure petatur, & à quo,
Recte compoſitus quiſque libellus habet.

And firſt the matter of euery Bill ought to be true. Secondarily, the ſame matter ought to be laid downe therein plainly and certainely in euery circumſtance of the thing, perſon, time, place, manner of doing, and other accidents. And thirdly, the ſame ought to be ſufficient in law, both for the forme thereof, & for the matter, that it be ſuch as is examinable in this Court, which being otherwiſe, may be diſmiſſed thence.

Sect. 63. THe direction of all Bills in the Chancery, muſt be at the top thereof. And when there is neither Lord Chancellor, nor Lord Keeper, it is thus:

To the Kings moſt excellent Maieſtie, in his Highneſſe Court of Chancerie,

In moſt humble manner complaining, ſhewing vnto your moſt excellent Maieſty, your moſt humble and obedient ſubiect H.C. &c.

And when there is a Lord Keeper, thus:

To the right Honourable Sir Iohn Puckering, Knight, Lord Keeper of the great Seale of England.

And when there is a Lord Chancellor, then thus:

To the right Honorable Sir C.H. Knight, Lord Chancellor of England.

Their other titles of Honor may be alſo added in the ſaid direction, but they are not much neceſſarie.

What an Anſwer is.

Sect. 64. AN anſwer is that which the defendant pleadeth or ſaith in Barre, to auoid the plaintifes Bill or Action, either by confeſſion & auoiding, or by denying and trauerſing the materiall parts thereof. And the the title of ſuch anſwer is thus:

The Anſwer of A.B. defendant, to the Bill of Complaint of C.D. complainant.

But if there be many defendants, then thus:

The ioint and ſeuerall Anſwers of A.B. and C.D. defendants, to the Bill of Complaint of E.F. complainant.

An Anſwer is called in Latin Exceptio, quæ dicta eſt quaſi quædam excluſio quæ interponi actioni cuiuſcunque rei ſolet, ad excludendum id quod in intentionem condemnationis iure deductum eſt. *Vlpianus.*

What

What a replication is.

A Replication is the plaintifes speech or answer to defendaunts answer, which must affirme & pursue his bil, and confesse and avoid, denie, or trauerse the defendants answer. And note, that the plaintife ought to replie the next terme after that the defendant hath answered, else may be giue him day to replie; by which day if he doe not replie, the defendant may procure a dismission, and get costs. Sect. 65.

Et dicta videtur Replicatio qd vel implicatam & quasi tectam exceptionis iniquitatem replicet et patefaciat; vel potius quod equitatē actionis ab excipiente rei tectam & quasi complicatam explicet atque aperiat. Hottomanus.

And the title of a Replication is thus:

The Replication of W.P. Complainant, to the answer of R.C. defendant.

What a Reioynder is.

A Reioynder is the answer which the defendāt maketh to the plaintifs replication, which must pursue and confirme his answer, and not swarue from the same, and sufficiently confesse and avoid, denie, or trauerse each meterial part of the plaintifs replication, Est autem reiunctio seu duplicatio, vel allegatio, q̄ datur reo ad infirmandum replicationem actoris & confirmandum exceptionem rei. Speig. Sect. 66.

If the parties be not at issue by reason of some new matter disclosed in the defendants reioynder that requireth answer; then may the plaintife surreioyne to the said reioynder, and the defendant in like manner to the surreioynder, if there be cause, which happeth verie seldome.

And the title of a Reioynder is thus:

The reioinder of C.A. defendant, to the Replication of E.W. Complainant.

What a Surreioynder is.

A Surreioynder is a second defence of the plaintifs action, oppost to the defendants reioynder. And therefore Hottomanus calleth it Triplicatio, quæ est secund' actionis defensio contra rei duplicationem oppolita. Sect. 67.

And thus is the title of a surrender.

The Surreioynder of E.W. Complainant, to the Reioynder of C.A. Defendant.

A Bill of complaint for entring into and making secret estates of Copihold lands, wasting part thereof, and mingling part thereof with the lands of others, to disinherit the plaintife by having copies thereof.

HVmbly complaining sheweth vnto your Honourable L. Y. E. of B. in the Countie of Yorke Esquire: That whereas Y. C. late of Sect. 68.

Y. Esquire deceased, father to your Orator, was in his life time by good and lawfull conueyance and assurance in the Law, lawfully seised to him and to his heires in fee simple, according to the custome of the Manor of W. in the said county of Y. of one copyhold or customarie Messuage or Tenement, and of certaine customarie lands, medowes, & pasture, to the quantitie of 100. acres, or thereabouts: and the said Y.E. your Orators father so being thereof seised as aforesaid, and being visited with sicknesse during the minoritie of your said Orator, by good and lawfull conueyance and assurance in the Law, and according to the custome of the said Manor of W. did conuey, assure, and surrender the sayd copyhold or customarie Messuage or Tenement, and other the premisses, with the appurtenances, into the hands of A. B. the Lord of the sayd Manor, for the better maintenance, and to the vse of your said Orator. To haue and to hold to your said Orator, and to his heires and assignes, at the will of the Lord, according to the custome of the sayd Manor: by force whereof, your Honors said Orator in the court of the said Manor paid his fine, and was of the said copyhold and customarie tenements, with the appurtenances, by the then steward of the said Manor of W. admitted tenant. But so it is, if it may please your Honor, that all the Euidences and Copies, of, and concerning the said Messuages, lands, tenements, and premisses, being left in the hands, custodie, and possession of your Orators sayd father whilest hee liued, in right belonging vnto your Lordships said Orator, are now by casuall and sinister meanes come to the hands and possession of one Y.Y. of D. in the sayd Countie of Y. who by colour of the hauing thereof, hath wrongfully entred into the said Messuage, lands, and premisses aforesayd, and hath made and conueyed vnto himselfe, and to others to his vse, diuers and sundrie secret Estates thereof, and doth pretend wholly to disinherit your Lordships said Orator of the same, notwithstanding your said Orator hath by diuers and sundrie meanes in friendly manner oftentimes sought to haue the said Euidences and Copies, and requested the same at the hands of the sayd Y.Y. and also that hee would yeild vnto your said Orator the quiet possession of the said Messuage, lands, and premisses, to whom he doth well know the same in right to belong and appertaine: Yet that to doe, hee hath not only denied and refused, and still doth denie & refuse to doe the same; but of his further malice against your said Orator, he doth threaten your Orator in such sort, that your Orator for want of the said Euidences and Copies, dareth not make his iust and lawfull entrie, in, and to the same: And also the said Y. hath committed and doth continue dayly great and outragious wastes and spoyles, in decaying of the Houses, felling downe of the Wood and Timber-trees of the premisses, to your Orators great losse

and

and diſinheriſon, and contrarie to all right, equitie and good conſcience. In tender conſideration whereof, and foraſmuch as by the ſtrict courſe of the common Lawes of this Realme, your L. ſaid Orator hath not any ordinarie remedie for the obtaining and recouering of the ſaid euidences & copies, for want of the certaine knowledge of the contents and dates thereof, and what in them be contained, neither can your Orator learne againſt whom to commence any ſuit for the ſaid meſuage, lands and premiſſes, for that the ſaid H. H. and others, to your Orator altogether vnknown, haue confederated themſelues together againſt your ſaid Orator, and haue contriued & made amongſt themſelues diuers ſecret eſtates & conueyances, and haue ſo intermingled the ſame, to, and with other lands, tenements & hereditaments, to, and with certaine of their owne freehold and inheritance, that your Orator knoweth not which the ſame be, nor how much thereof the ſaid H. H. and other his confederates do ſeuerally hold, whereby to commence any action or ſuit, or make any lawful entry, into, or for the ſame, without your Orators great danger: and yet your Orator hopeth that vpon the corporall oath of the ſaid H. H. he will manifeſt ſuch matter, whereby your Orator may the more better, eaſily, & readily, proceed and attaine to the recouering of his iuſt and lawfull right & inheritance of the premiſſes: for the furtherance whereof, it may pleaſe your good L. to grant vnto your ſaid Orator, his Maieſties moſt gratious Writ of Subpœna to be directed to the ſaid H. H. commanding him thereby at a certaine day, and vnder a certaine paine therein to be limited, perſonally to be & appeare in his Ma. high Court of Chancery, thē & there to anſwer to the premiſſes, &c.

The Anſwer of H. H. Defendant, to the Bill of Complaint of H. E. Complainant.

THe ſaid defendant ſaith, that the ſaid Bill of Complaint againſt him exhibited into this honorable Court, is very vncertaine, vntrue and inſufficient in the Law to be anſwered vnto by the ſaid defendant for diuers and ſondrie apparent faults and imperfections therein contained: and deuiſed and exhibited into this honorable Court, partly of malice and euill will, without any iuſt cauſe conceiued againſt the ſaid def. to the intent thereby vniuſtly to vexe and moleſt him with tedious trauell, being an aged man, and to put him to great expences, being verie poore: but chiefly to the intent and purpoſe to wearie, impouriſh and terrifie him this defendant: Neuertheleſſe, if by the order of this honorable Court, this defendant ſhall be compelled to make any further or other anſwer vnto the ſaid vntrue, incertain and inſufficient Bill of Complaint, then and not otherwiſe the aduantage of exception Sect. 69.

thereof to this defendant, at all and euerie time and times hereafter ſaued, for further anſwer thereunto, and for a full and plaine declaration of the truth, touching ſo much of the materiall contents of the ſaid bill, as in any ſort concerneth this defendant, Hee for himſelfe ſaith, That whereas the ſaid complainant in his ſaid bill alledgeth, that one H. E. his father deceaſed, was in his life time by good and lawfull conueiance and aſſurance in the Law, lawfully ſeiſed to him and his heires in fee ſimple, according to the cuſtome of the ſaid Manor of W. in the ſaid bill mentioned, of one copihold or cuſtomary meſuage or tenement, and of certaine cuſtomarie lands, medowes, and paſtures, to the quantitie of an hundred acres, or thereabouts: and that he being thereof ſo ſeiſed and viſited with ſickneſſe, during the minority of the ſaid complainant by good and lawfull conueyance and aſſurance in the Law, and according to the cuſtome of the ſaid Manor of W. did conuey, aſſure and ſurrender the ſame copihold or cuſtomarie meſuage or tenement, and other the premiſſes, with the appurtenances thereunto belonging, for his better maintenance, to the vſe of the ſaid complainant: To haue and to hold to the ſaid complainant, and to his heires and aſſignes, at the will of the ſaid Lord, according to the cuſtome of the ſaid Manor: And that by force thereof, the ſaid complainant in the Court of the ſaid Manor paid his fine, and was of the ſaid copihold or cuſtomarie tenements with the appurtenances, by the then Steward of the ſaid Manor of W. admitted tenant. Yee this defendant ſaith, that to his knowledge the ſaid H. E. late father of the ſaid complainant, was neuer either lawfully ſeiſed to him and to his heires, according to the cuſtome of the ſaid Manor of W. of the ſaid tenements and premiſſes in the ſaid Bill mentioned, by any good and lawfull conueyance and aſſurance in the Law, according to the cuſtome of the ſaid Manor: Nor did euer conuey, aſſure and ſurrender the ſaid cuſtomarie tenements and other the premiſſes, to the vſe of the ſaid complainant, his heires and aſſignes: neither did the ſaid complainant euer pay his fine for the ſame in the ſaid Court, neither was he euer lawfully admitted tenant thereof, as he the ſaid complainant in his ſaid Bill vntruly pretendeth. And whereas the ſaid complainant in his ſaid Bill alſo pretendeth, that the euidences and copies, of, and concerning the ſaid meſuage, lands, tenements and premiſſes, being left in the hands, cuſtodie, and poſſeſſion of the ſaid complainants father whileſt he liued, in right belonging vnto this complainant, are now by caſuall meanes come into the hands and poſſeſſion of this defendant; and that he by colour of the hauing thereof, hath wrongfully entred into the ſaid meſſuage, lands, and premiſſes aforeſaid, and hath made and conueyed to himſelfe, and to others to his vſe, diuerſe and ſundrie ſecret eſtates therein, and doth pretend

thereof

thereof wholly to disinherit the said complainant. This defendant saith, that none euidences or copies of, or concerning the said messuage, tenements and premisses, are by casuall meanes, or otherwise come to the hands or possession of this defendant, and that by colour of hauing thereof, he this defendant, neither wrongfully entred into the said messuage, tenements, and premisses, nor any part thereof, neither hath he this defendant conueyed, to himselfe, or to any other person to his vse, diuers and sundrie, or any secret estates thereof, neither doth he pretend thereof wholly to disinherit the said complainant, as in the said Bill it is vntruly alledged: without that, that the said complainant by diuerse and sundrie meanes in friendly manner hath oftentimes sought to haue the said euidences and copies, and requested the same at the hands of this defendant: and also that he would yeld vnto your said Orator the quiet possession of the said messuage, tenements, and premisses, or that he this defendant doth well know the same, in right to belong vnto him the said complainant, as in the said Bill it is vntruly alledged: and without that, that he this defendant of malice against the said complainant doth threaten him the said complainant, in such sort, that he for want of the said euidences, dareth not make his full and lawfull entrie or claime, to and in the said premisses, or that he the said defendant hath or could commit, or doth or can continue daily committing great and outragious wastes and spoiles, in decaying of the houses, and felling downe of the woods and timber trees of the premisses, to the great losse and disherison of the said complainant, and contrary to all right, equity, and good conscience, as in & by his said Bill of complaint he hath most vainely and vntruly alledged. For touching the said supposed threats, this defendant saith, that he is a verie feeble poore old quiet man, verie desirous of the fauor and good will of all men, and therefore neither willing nor able by his threats to terrifie or feare the said complainant, being a gentleman of worship, power and liuing, hauing many kinsfolks, alies, friends, and seruants, so that he this defendant, hath rather iust cause to be afraid of the said complainant, than the said complainant to feare him. And further touching the said waste and spoiles, this defendant saith, that the said customarie or copiehold lands in W. aforesaid, are holden of the Mano^r of W. aforesaid. And without that, that the said complainant hath, or euer had any lawfull title to commence any action or suit, or to make any entrie, against or vpon this defendant, for any lands, tenements, or hereditament, in the said Bill of complaint mentioned, as it is therein vntruly alledged: and without that, that this defendant can vpon his corporall oath manifest such matter, whereby the said complainant may the more better, easily, and readily proceed and attaine to the recouering of any iust or lawfull right or interest in

or

or in any other maner than in this answer is set down, as the said complainant vnwisely gheseth, and most vainely hopeth, as he in his said Bill alledgeth: And without that, that any other matter, thing or things, clause, sentence, Article or allegation in the said Bill of Complaint contained, materiall or effectuall in the Law to be answered vnto by this defendant, and not herein confessed and auoided, denied or trauersed, is true. All which matters this defendant is ready to auer and prowe, as this honorable Court shall award: And therefore prayeth to be dismissed out of the same, with his reasonable costs and charges in this behalfe wrongfully and without cause sustained.

The Replication of H. E. Esquire complainant, to the Answer of H. H. defendant.

Sect. 70. THe said Complainant for Replication saith, that he will auerre, maintaine, and iustifie, his said Bill of complaint, into this honorable Court exhibited, and euerie matter and thing therein contained, to be certain true, and sufficient in the Law to be answered vnto by the said defendant, and not deuised & exhibited into this honorable Court of any malice or euill will, but vpon iust cause conceiued against the said defendant, as the said defendant in his answer vntruly hath alledged. And for further Replication saith, that the said H. E. late father of this repliant, was lawfully seised to him and to his heires, according to the custome of the said Manor of W. of the said tenements and other things in the said Bill mentioned, by good and lawfull conueyance and assurance in the Law, according to the custome of the said Manor: And did conuey, assure and surrender, the said customarie tenements and premisses to the vse of the said repliant and of his heires, and the said complainant did pay his fine therefore, and was lawfully admitted tenant thereof, as he the said complainant in his said Bill very truly pretendeth. And also he saith, that the euidences and copies, of, and concerning the said tenements and premisses, are come to the hands of the said def. and that by colour thereof, the said def. hath wrongfully entred into the said messuage, tenements, and premisses, and hath conueyed to himselfe, and to others to his vse, diuers and sundrie secret estates therein, as in his said Bill of complaint is also most truly declared: and that the said complainant hath oftentimes sought and requested to haue the said writings, copies, and euidences at the hands of the said defendant: and also that he would yeeld vnto him the quiet possession of the said messuage and premisses: and also that the said def. hath and still doth commit, and continue daily committing great & outragious wastes and spoiles, in decaying of the houses, and felling downe of the woods and timber trees of the premisses, to the losse and disherison of him this complainant

nant, as in the said Bill of Complaint is truly alledged: And without that, that any other matter or thing contained in the said Answer, materiall or effectuall to be replied vnto, and not herein sufficiently confessed or auoided, trauersed or denied, is true. All which this complainant is readie to auer and prooue, as this honorable Court shall award. And prayeth as he before in his said Bill of Complaint hath prayed.

A Bill to say suit at the Common Law vpon an Obligation, because the money is satisfied in diuers paiments and reckonings.

IN most humble wise complaining, sheweth to your good Lordship Sect. 71.
Fr. P. That whereas one H. B. of D. in the Countie of D. Esquire now deceased, hauing many daughters to aduance, which were then but of tender yeares, did about 21. yeares now last past, make his last Will & Testament in writing, & by the same did giue & demise amongst diuers and sundrie other legacies amounting to a very great value, the sum of C. l. to A. one of his daughters, and of his said last Will and Testament did nominate, constitute and appoint your said Orator, and one G. R. Esquire being his neere kinsman, and assured good friend, his executors: but also did commit the gouernement and education of his said children vnto them, and after died. By, & after whose decease, and before the probat of the said last Will & Testament, the said R. died: by reason whereof your said Orator alone proued the said Will, and take vpon him the execution of the same, and afterward one I. W. being a man very basely borne, and of very little credit, did without the priuity, consent, or good liking of your said Orator, or of any other to whom the said H. B. had committed the gouernement and education of his said children, contract himselfe with the said Anne, and with her did marrie. After which marriage, albeit your said Orator greatly misliked therewith, & that the said H. B. had bequeathed vnto the said Anne but the summe of C. l. yet your said Orator, in respect of the neere alliance betweene him & the said children, & to the end they should liue in the better credit & account, was amongst the rest contented to bestow on the said Anne C. l. more than her said father bequeathed vnto her: & thereupon, at the speciall request & earnest suit of the said I. W. and the said Anne then being his wife, and for their better credit, aduancement, and preferment, did not onely presently pay and deliuer to the said I. W. in readie money the summe of L. li. parcell of the said summe of C. li. so bequeathed to the said A. his wife, as is aforesaid, but also became bound vnto the said I. W. in the summe of C. pounds, for the payment of L. pounds more, at certaine times in the Condition of the said Obligation mentioned, which amounted to the full summe of C. pounds, so bequeathed as is aforesaid to the said A.

And

And then also became bound vnto the said I. W. in one other bond, in the summe of C C li. for the payment of C li. at certaine times in the condition of the said Obligation limitted, which your said Orator of his owne liberalitie, and for the aduancement of the aforesaide Anne, gaue vnto her sithence: Which bonds so made, the said I. W. hauing had many occations to vse money, hath often made meanes vnto your said Orator, to relieue his necessitie therein, before such time as the same summes, or any of them grew due vnto him, to bee payde by the said seuerall Obligations, by reason whereof your said Orator about the firth day of July, in the first yeare of his Maiesties raigne that now is, payed and deliuered vnto the said I. W. the summe of l. li. more in part of payment and satisfaction of the said summe of C. l. li. growing by the said two seuerall Obligations, wherein your said Orator standeth so bound, as is aforesaid; and your said Orator likewise payed and deliuered vnto the said I. W. at such times as the sayde I. W. hath demaunded the same, diuers seuerall summes of money, amounting in the whole to the summe of vi li. xiij s. which the said I. W. hath accepted in part of payment of the said summe of C. l. li. and which the said I. W. knoweth to be true, and also your said Orator hath payed by the hands of F. B. to the said I. W. and in discharge of some debts due by the said I. W. and by his appointment at seuerall times, the summe of xxx li. vj s. viij d. which the said I. W. hath also accepted in part of payment of the sayde summe of one hundred and fiftie pounds, which said seuerall summes the said I. W. hath from time to time accepted, as in part of payment and discharge of the said summe of C l. li. And your said Orator also standeth bound for the onely debt and duetie of the said I. W. for the payment of twentie pounds more vnto I. P. Esquire, which your said Orator alwaies hath been, and yet is readie to pay for the said I. W. when he shall be thereunto required, so that your said Orator hath in the whole payed and satisfied vnto the sayde I. W. and in discharge of the debts of the said I. W. the full summe of one hundred fourescore and eight pounds and more, which is more than your said Orator needed to haue paid vnto him as any money due vnto the said Anne, wife of the said I. W. for the said I. W. doth very well know that the said P. B. did not deuise or bequeath any more vnto the sayde Anne, than the summe of one hundred pounds. And doth also verie well know, that hee hath diuerse and sundrie times, vpon the receit and payment of the saide seuerall summes, not onely confessed the receit of the same, but also faithfully promised vnto your sayde Orator, that hee would cancell and deface the sayde Obligations. Yet notwithstanding so it is, if it may please your good Lordship, that albeit the said I. W. doth verie well know, that your

said

ſaid Orator hath fully ſatiſfied and payed vnto him the ſaid ſumme of 100. pounds, bequeathed by the ſaid W. B. vnto the ſaid Anne, and hath alſo fully ſatiſfied and payed vnto him 88. pounds and more, parcell of the ſaid 100. pounds, which your ſaid Orator gaue vnto the ſaid Anne of his owne free liberalitie, for the aduancement of the ſaid A. and that the ſaid Obligations, viz. one of 100. pounds, for the payment of 50. pounds, and one other Obligation of 200 pounds, for the payment of 100. pounds, which your ſaid Orator became bound in, vnto the ſaid I. W. were for the ſelfe ſame debts, which your ſaid Orator hath at ſeuerall payments, as is aforeſaid, payed vnto him in diſcharge, and in part of ſatiſfaction of the ſaid ſeuerall Obligations, ought in all right, equitie, and good conſcience, to be cancelled and defaced, vpon the payment of the reſidue of the ſaid ſummes which is behind, & which your ſaid Orator is ready to pay, yet he the ſaid I. W. hauing a verie greedie and couetous diſpoſition to enrich himſelfe, albeit hee doth verie well know the ſaid ſeuerall Obligations to be in effect fully ſatiſfied and diſcharged, as is aforeſaid, and that he hath not at any time beene any thing damnified by the forbearing of the ſaid ſeuerall ſummes, yet hath he now lately commenced ſuit vpon one of the ſaid Obligations, in his Maieſties Court of Kings Bench, and vpon the other Obligation, in his Maieſties Court of Common Pleas, meaning to take the whole forfeiture of the ſaid ſeuerall Obligations againſt your ſaid Orator, in that your ſaid Orator did not in truth alwaies pay vnto him the ſaid ſeuerall ſummes, according to the condition of the ſayd Obligations, but did alwaies pay the ſame at ſuch times as the ſayd I. W. had occaſion to vſe it, and as he did at any time demaund it, and doth with all the expedition he can, and with the moſt hardneſſe that he may vſe, ſeeke to recouer the penalties of the ſayd ſeuerall Obligations againſt your ſayd Orator, contrarie to all right, equitie, and good conſcience, and to the great hurt and hinderance of your ſaid Orator. And albeit your ſaid Orator hath diuerſe and ſundrie times earneſtly required of the ſaid I. W. not onely to cancell and deface the ſaid Obligations, vpon the payment of the reſidue, and ſurceaſe his ſeuerall ſuites commenced vpon the ſame: yet that, or any of them to doe, hee hath denied and refuſed, and ſtill doth denie and refuſe, contrarie to all right, equitie, and good conſcience: In conſideration whereof, and forasmuch as your ſaid Orator hath no good matter to plead in Barre of the ſaid ſeuerall Actions, by courſe of the Common Lawes, in that albeit hee hath in truth payed and ſatiſfied the ſaid ſeuerall ſummes, in ſuch ſort as the ſaid I. W. held himſelfe contented therewith, yet can he not make any proofe of the payment of the ſame, according to the conditions of the ſaid ſeuerall

Obli-

Obligations: And for that also the said I. W. hath not in any sort bin damnified by the forbearing of the said summes of money, or any part thereof, and yet if he had, forasmuch as your sayd Orator hath fully paied vnto him fourescore and eight pounds more than he need to haue paied, and that of his owne liberalitie, there is now no reason why he should seeke by rigor of Law to take the forfeiture of the said seuerall Obligations, albeit it were true, that the same were not fully satisfied and discharged in such sort as they ought to be: May it therefore please your good Lordship, to grant vnto your sayd Orator the K. Maiesties most gratious seuerall Writs of Subpœna and Iniunction to bee directed to the said I. W. not onely straitly charging and commanding him by the same, at a certain day, and vnder a certain paine therein to bee contained and limitted, personally to appeare before your good L. in the Kings Maiesties most high Court of Chancery, then and there to answere to the premisses, but also inioyning him by the same, his Counsellors, Atturneyes, and Solicitors, to stay and surcease the said seuerall Suites, and no further to proceed in the same, vntill other order shalbe therein taken by your good L. And your said Orator shall pray for your good L. in honor long to endure.

A Bill for the detaining of a lease for yeares, and taking the profits of the lands leased, and secret taking of a Cow distrained and impounded by the plaintif out of the pound, and charging him with the esloining of the same Cow.

Sect. 73. HVmbly complaining, sheweth to your good L. your daily Orator N. C. of Y. in the Countie of D. Gentleman, that whereas one L. E. of Y. aforesaid Gentleman, was lawfully seised in his demesne as of fee, of and in diuers and sundrie lands, tenements, hereditaments with the appurtenances, set, lying, & being in Y. aforesaid, And he so being thereof seised about the twentieth day of May, in the first yeare of the reigne of our Soueraign Lord the Kings Maiestie that now is, at Y. aforesaid, for and in consideration of a certaine sum of money to him by the sayd N. C. well and truly contented and paid, and by indenture of lease, the certaine date whereof your said Orator knoweth not for that he hath not the said Indenture, did demise, grant, set, and to farme let the same vnto the said N. and his assignes, for and during the full end and terme of two yeres then next following. By force whereof your said Orator was thereof lawfully possessed, vntill about the second yeare of the raigne of the Kings Maiestie that now is, K. B. W. G. N. T. R. W. W. F. W. E. and K. his wife by casuall meanes hauing obtained and gotten into their hands, or into the hands of some of them, the said Indentures, confederating themselues together of purpose,

purpose, to wrong your said Orator, and to expell and put him from his lawfull and quiet possession of the premisses, or the greatest part thereof, entred into one parcell of the premisses called B. fields, being then sowed with oats by your said Orator, and at the same time put in one cow and heyfer, very maliciously to depasture and eate the graine and corne of your said Orator therein then growing, which said cow and heyfer, was, and remained there depasturing, eating, and treading downe the said graine and corne, vntill your said Orator came and distrained the said cow and heyfer for damage there doing, and impounded the said cow and heyfer in a pound ouert, at H. aforesaid, as lawfull was for him to do, shortly after which impounding of the said cow and heyfer, that is to say, vpon the xij. day of Septem. the said R. W. W. F. W. E. and R. his wife repaired vnto the dwelling house of your said Orator at H. aforesaid, and then and there required your said Orator to deliuer the said cow and heyfer forth of the said pound, affirming that they were sent thither to that intent and purpose by the said R. B. W. G. and N. T. which to doe your said Orator refused, as lawfull was for him to doe, because the said W. F. E. and R. his wife, nor any of them, did then and there tender vnto your said Orator, any amends or satisfaction, for, or towards the said trespasse: But so it is if it may please your good Lordship, that about eleuen or twelue of the clocke in the night of the said 12. day of Septm. the said cow and heyfer was conueyed forth of the said pound, (the dore or gate of the said pound being fast locked) by the said R. B. W. G. N. T. R. W. W. F. W. E. and R. his wife, or some of them, as your said Orator verilie thinketh, and is perswaded in conscience, sithence which time, the said B. G. and T. haue most falsely and vnconscionably charged, and still charge your said Orator for the elloyning and conueying away of the said cow and heyfer, and haue thereupon not onely commenced suit against your said Orator of the Common Law, but also by colour of hauing the said Indenture, haue made and contrined vnto themselues, or some of them, or to some other persons, to their, or some of their vses, sundrie secret estates of the premisses, and doe yet most wrongfully detaine, and withhold the possessions of a great part of the premisses from your said Orator, to his great hurt and impouerishment: And forasmuch as your said Orator hath not any ordinarie remedie by the due course of the Common Lawes of this Realme, for the recouerie of the said Indenture, for that hee knoweth not the certaine date or contents thereof, nor wherein the same is contained: And so thereby not onely verie like to lose his lawfull and rightfull possession, of, in, and to the premisses, but also standeth in great danger to lose great dammages for the supposed elloyning of the said Cow

and

and Heyfer, vnleſſe it pleaſe God, as your ſaid Orator hopeth it will, to moue the hearts of the ſaid B. G. E. W. F. E. and R. his wife, vpon their anſwers and oaths in this honorable court, to diſcouer & diſcloſe the truth of their euill dealing and diſorder in breaking of the ſaid pound, and taking forth of the ſaid Cow and Heyfer, conueying them to vnknowne places, of purpoſe to charge your ſaid Orator therewith. And foraſmuch as they haue denied and refuſed, and yet do refuſe and denie, either to permit or ſuffer your ſaid Orator quietly to haue and take the iſſues and profits of the ſaid premiſſes, or to deliuer vnto him the ſaid Indenture of leaſe, although he hath oftentimes moſt gently, and friendly required and deſired them ſo to do: It may therefore pleaſe your good Lordſhip, &c. As before is ſaid in Section 61.

The anſwer of the ſame Bill.

Sect. 73. THe ſaid defendants ſay, and either of them for himſelfe ſeuerally ſaith, that the ſaid Bill of complaint is verie vncertaine, vntrue, and inſufficient in the Law to be anſwered vnto by theſe defendants, or any of them for diuerſe apparant faults and imperfections therein contained, and the ſame very friuolous, as theſe defendants thinke, for ſundry cauſes, and namely for that, that it is thereby ſuppoſed, that they and others, by reaſon of hauing the cuſtodie of the ſaid ſuppoſed Indenture or Leaſe pretended to be made by the ſaid T. E. in the ſaid bill named to the ſaid complainant of the ſaid demeſne lands of Y Highlow aforeſaid, for two yeares now ended, if any ſuch were, haue made or contriued vnto themſelues, or to ſome other perſons, and to their vſes, ſundry ſecret eſtates of the premiſſes, where if any ſuch eſtates had bin made, they be already determined. And the ſaid defen. further ſay, that as they verily thinke by the ſcope of the ſaid bill, containing in it ſelfe much like matter, ſet out with many words, and in effect no matter worthy to bee examined in this honorable Court, the ſame bill is deuiſed and exhibited into this honourable Court, of mere malice and euill will, to the intent to moleſt and trouble theſe defendants, and others in the ſame bill named being quiet poore men, dwelling almoſt ſeuen ſcore miles from the Citie of W. with long and tedious iournies to make their perſonall appearance in this honourable Court, to anſwer the ſaid friuolous and vntrue bill, without any good or iuſt cauſe ſo to doe. The aduantage of exception to the manifeſt incertaintie and inſufficiencie of which vntrue bill of complaint to theſe defendants, and either of them ſaued, for anſwer thereunto, they, and either of them for himſelfe ſeuerally ſaith, that they thinke it to be true, that the ſaid T. E. of Y. in the ſaid bill named, was lawfully ſeiſed in his demeſne, as of fee, or fee taile, of, and in diuerſe lands, tenements, and

here-

hereditaments, with the appurtenances set, lying, & being in P. aforesaid, and that he being thereof so seised about 2. years nowe last past, did demise, grant, set, and to farme let the same vnto the complainant for 2. yeres, as it is in the said bill alledged, without that, that these defendants of purpose to expell the said complainant from his lawfull possession of the premisses, or the greatest part thereof entred into the said parcell of the premisses, being sowen with oates, by the said complainant, or at the same time put in one cow, and one heifer, very malitiously to depasture and eat the graine and corne of the said complainant growing therein. Or that the said cow and heifer to these defendants knowledge, remained there depasturing, eating, or treading downe the said graine and corne, vntill the said complainant came and distrained the said cow and heifer, for damage there doing, and impounded the said cow and heifer in a pound ouert at P. aforesaid, to their knowledge, as in the said bill is verie vntruly alledged. And without that, that shortly after the said impounding of the said cow & heifer, that is to say, the 11. day of S. the said R. W. W. F. W. E. and H. his wife, by the knowledge of the said defendants, or either of them, repaired vnto the said dwelling house of the said complainant, at P. aforesaid, and there required the said complainant to deliuer the said cow and heifer forth of the said pound, affirming, that they were sent thither to that intent and purpose by these defendants, and the said H. W. in the said bill named, as in the said bill is vntruly alledged. And without that, that to these defendants knowledge there was any such cause, that any amends ought haue beene tendered vnto the said complainant, for, or towards the said supposed trespasse. Or that about 11. or 12. of the clocke in the night of the said 11. day of September, the said cow and heifer were conueyed forth of the said pound by these defendants, or either of them, or that these defendants, or either of them, haue vnconscionably charged the said complainant, for the enioyning and conueying away of the said cow and heyfer, or thereupon commenced any suit against the said complainant at the Common Law, as in the said Bill is verie vntruly alledged, for they these defendants verily thinke, that there was neuer any such cow and heyfer, so as is aforesaid, distrained, and without that that these defendants by colour of hauing of the said Indenture in the said Bill mentioned, haue made and conueyed vnto themselues, or to any other person or persons to their vses, any secret estate of the premisses, or any part thereof, or doe wrongfully detaine and withhold the possession of a great or any part of the premisses, from the said complainant, as in the said bill of complaint it is likewise vntruly alledged. And without that, that these defendants, or either of them, haue denied and refused, or yet

doe deny or refuse, either to permit or suffer the said complainant quietly to haue and take the issues and profits of the premisses, or deliuer vnto him the said supposed Indenture or lease, as in the said bill is vntruly surmised, for these defendants say, that to their knowledge they neuer saw nor heard read any Indenture or lease. And without that, that any other matter, thing or things, &c.

A Bill to be relieued for Obligations made for Simony.

Sect. 74.

IN most humble wise complaining, sheweth vnto your honourable L. your daily Orator W. C. Parson of T. in the countie of Y. That whereas about fiue yeares now last past, W. by the permission of God, now Bishop of L. and C. was lawfully seised of the aduowson of the vicarage of D. in the countie of D. as of one in grosse, by it selfe, as of fee in right of his B. aforesaid, and vnto the same vicarage beeing vacant, did present your said Orator his Clerke, who was afterwards admitted, instituted, and inducted into the same accordingly: which vicarage afterwards by resignation into the hands of the said B. to present againe to the same, as the very true patron thereof, became void. And afterward your Orator became an humble sutor vnto the said B. in the behalfe of one R. W. Clerke, that it should please him to present the same R. W. to the said vicarage, which after long suite, it being first agreed betweene your said Orator and one C. D. with the knowledge and consent of the said B. that your said Orator in respect of the said presentation and admission of the said R. W. that there should a certaine summe of money, amounting as your said Orator thinketh, to the summe of thirtie pounds, to be paid at certaine dayes then betweene them agreed vpon, for the paiment thereof, and that for true payment of the said sum at the said dayes, your Orator should become bounden vnto the said C. D. by seuerall obligations, whereupon afterwards, that is to say, the 20. day of I. which was in the 28. yere of the raigne of the Queenes most excellent Maiestie that now is, your said Orator for the onely consideration aforesaid, and for the onely benefit of the said R. W. aforesaid, became bounden vnto the said C. D. in foure or fiue seuerall obligations, videlicet, by some obligations in the summe of 20. li. or thereabouts, for the payment of 10. li. and in some other, in other summes for payment of 5. li. or thereabouts, at the said daies and times, betweene them so as is aforesaid agreed vpon, and thereupon the said R. W. for the said considerations was instituted and inducted into the said Vicarage accordingly: which bonds were so made by your said Orator in hope, and vpon the faithfull promise of the said R. W. would haue paid and discharged the said seuerall

summes

summes of money at the said dayes, according to the seuerall conditions of the said obligations: but now, so it is, that if it may please your honourable Lordship, that the said R. W. though oftentimes by your said Orator required, hath not paid the said seuerall summes of money, nor any of them vnto the said C. D. according to the said seuerall obligations, and according to the said agreement, & his said promise in that behalfe made, as is aforesaid: by meanes whereof, the said obligations, or the most part of them beene forfeited, and your Orator already thereupon impleaded in her Maiesties Court, called the Kings Bench, and by reasons of the said obligations, or some of them, very like speedily to be condemned thereupon, if by your L. gracious meanes he be not speedily relieued, the which said praemies are much against all right, equitie, and good conscience, and to the great damage, losse, and hinderance of your said Orator. In tender consideration whereof, and forsomuch as the said promise of R. W. and the said agreement for the payment of the said seuerall summes of money, being matters of corruption and vnlawfull simonie, were so closly and secretly wrought and contriued amongst them, that your said Orator is not able to make any such due proofe thereof, as the strict course of the common Lawes of the Realme in this behalfe requireth, and so your L. said Orator is vtterly without remedy by the common lawes to auoid the said bond, or to make proofe of the said assumption and promise of the said R. W. though the same be so well knowne vnto the said Bishop, and the said C. D. his factor, procurator for such contracts of simonie, and also to the said R. W. that your orator verily thinketh, they will vpon their answers hereunto in this honourable Court, vpon their corporall oaths, if they be not altogether blinded with extreame couetousnesse, confesse the truth to be, as is aforesaid. It may therefore please your honourable Lordship to grant vnto your said Orator her Maiesties most gracious writ of Subpœna, to be directed vnto the said W. B. and vnto the said C. D. and R. W. thereby commanding them, and euerie of them, at a certaine day, and vnder a certaine paine therein to bee limited by your Lordship, to bee, and personally to appeare before your honourable Lordship in her Maiesties most high Court of Chancerie, then & there to answer vnto the premisses, and to abide such further order and direction therein, as to your hon. L. shall seeme to stand with right, equitie, and good conscience, & also to grant vnto your said Orator her Maiesties most gracious writ of Iniunction to bee directed vnto the said C. D. thereby commanding and inioyning him, and all his Counsellors, Solicitors, and Atturnies, to stay his said suits and procedings against your said orator, at, and by the common lawes, vntill the premisses shall be heard and determined, or otherwise

ordered in this honorable Court. And your said Orator shall daily pray vnto Almighty God for the preseruation of your honorable Lordship, in good health long to continue.

A Bill for boording.

Sect. 75 Humbly complaining, sheweth vnto your Lordship your daily Orator I. W. of R. in the countie of R. gentleman: That whereas about foure or fiue yeares since, one E. C. then the widow of B. C. and now wife to R. H. of R. in the county of L. yeoman, very earnestly and instantly required of your said Orator, not onely for her selfe and her sonne to be tabled or boarded at the house of the said complainant, but also to haue house roome for continuall abode and lodging with him likewise, promising liberally and fully to recompense both the cost and trouble which your said Orator, or his houshold should sustain therein: vpon hope of which promise and agreement, your said Orator did to the full request and satisfaction of the said E. table and lodge the said E. and her sonne, being of the age of seuen yeares or thereabouts, during her widowhood, by the space of two yeares at the least, ended about the Annunciation of the virgin Mary, in the 20. yeare of the M. Maiesties raigne, about which time the said E. toke to husband the said R. H. after which marriage, vpon like promise & agreement which the said R. your said Orator did likewise hold, or table and lodge in his house the said R. and E. her sonne, and a seruant, by the space of one whole yeare and a halfe, ended about May day last past, during which time also the said R. put your said Orator to great charge and trouble, with diuers horses, as well kept in the houses of your said Orator, & at his cost, as also abroad in his closes and pastures, notwithstanding all which costs, troubles, and charges of your said Orator. Now so it is, if it may please your Lordship, that the said R. and E. being departed from the house of your said Orator, craftily, deceitfully, and vnconscionably, refuse vtterly, and denie to giue any recompence or consideration to your said orator for their meat, drinke, lodging, or other charges, contrary to all humanity, equity, and right. In tender consideration whereof, & for that your said orator is without all helpe by the strict order & course of the common law, for that for the said tabling, lodging, & charges, there was no certaine time, nor no certaine summe of mony agreed vpon amongst the said parties, nor promised by the said R. & E. and that also the said agreement was betweene themselues only without any witnesse. May it please your L. to grant vnto your said orator the M. Maiesties writ of Subpœna, to be directed to the said R. and E. and your said orator shall daily pray for your good Lordship, &c.

A

A Demurrer for double vexation.

The Demurrer of R. and W. defendants, to the Bill of G. W. Complaint.

THe said Defendant, by protestation, not confessing or acknowledging any thing in the said bill alleaged, materiall against this Defendant, to charge him to be true, but rather denied and set forth only of purpose to put this defendant to wrongfull veration, costs, charge, & expences in the law, for that before this time, that is to say, about the terme of Easter, in the 25 yeare of the raigne of our soueraigne Lady the Q. Maiestie that now is, the said compl. vnto this honourable court of Chancerie, exhibited against this defendant a Bill, containing in effect the same matter which is alleaged in the Bill now exhibited, differing only in forme, but nothing in substance, sauing by adding some fiue acres, as the number of foure or fiue, as estimating one close in this bill at foure acres, in the former estimated but at two, or thereabouts, and another Close in this bill now exhibited, at three acres, in the former estimated at two, or thereabouts, and putting some acres to some other closes, the which before were set downe without limitation or naming of any acres at all, being the selfe same closes and messuage in the former Bill exprelled, vsed, and occupied by the same title and name, and the same number of acres, now put in more of purpose, to giue the same Compl. some colour to exhibit this Bill, as though it were a new matter, although indeed it be nothing so. To which former Bill this Def. answered, and thereto the said compl. replied, and this defend. reioyned and so discended to Commission, wherein this defendant ioyned with the said complainant, and named Commissioners for himselfe, as the said Compl. named others for himselfe, and this defendant then bare halfe the charges of the same Commission, as in such cases is vsed. And when the time came, that the same commission was to be sitten on, the said compl. forefollowed the same, neither gaue any warning to this Defendant, nor laboured his owne Commissioners, that this defend. euer heard of, to meet for the execution of the same, but suffered the same to stay by the space of fiue or sixe Termes, or thereabouts, as this defend. remembreth: whereupon this defendant for his own expedition at his own costs & charges, procured a commission for examination of witnesses in the matter directed to the selfe same Commissioners that the former Commission was, and gaue notice thereof to the said Compl. and to one of his Commissioners, who agreed to meet at the day and place appointed, where this def. was present with his Commissioners, and Witnesses, and one of the said Complainants Commissioners was in the Towne where the place was appointed the same day and time

Sect. 76.

readie to haue executed the sayd Commission, if the said compl. would haue spoken to him therefore, as this def. was credibly informed, and the said compl. was there present at the same time and place; and did, or might haue spoken with him that was named Commissioner for him, who had a dwelling house in the same towne, beeing the towne of W. in the same Countie: and then and there the deponents vpon this def. behalfe were sworne and examined by and before these defen. then Commissioners, and some of them sworne in the presence of the sayd compl. And thereupon the depositions and examinations of the witnesses so sworne, were by these defendants, then Commissioners, caused to be ingrossed in parchment, and certified into this hon. Court, and afterwards published, and after publication, this def. stayed without doing any thing therein by the space of two tearmes, or thereabouts, during which time the sayd compl. did or sayd nothing at all in the said court touching the sayd suit, that this def. euer heard off. And then this def. caused the sayd depositions to be exemplified vnder the great seale of Engl. to his great charges, which he hath readie to shew to this hon. Court. And the said compl. beeing not contented with these cauillous berations of this def. Anone after that this complainant had obtained the said commission, the said compl. for this defendants further beration, commenced suit against this def. in the Ecclesiasticall court of the Archb. of Yorke, within whose diocesse the same lands and tenements in W. in the bill mentioned be, and where the said father of this compl. and def. died, vpon surmised matters touching the supposed Will mentioned in the said bill, whereupon this defendant to his great charges appeared and answered, as behooued for the time, by himselfe and his proctor, as is there vsuall, which suite the sayd compl. relinquished also, as this def. thinketh, for he hath heard nothing thereof these ymoneths and more. And now the said compl. meaning nothing else but this def. trouble and molestation, hath renued the sayd suit in this H. Court againe, which before he had in the same Court by the sayd first bill, containing the same matters in effect, and almost word for word, as in the same bill is mentioned, whereunto this def. hath already answered, as appeareth by the same answere remaining of record here in this Court; and the same proceeded vpon both, as is aforesayd: wherefore this def. for the causes aforesaid, and for the said double beration in this hon. court by two bils, containing in effect but one matter in substance, demurreth in law, and prayeth, that he this def. may bee dismissed out of this hon. court with his reasonable costs and charges in this suite wrongfully sustained.

A Bill for not surrendring a lease made by the Plaintife to the Defendant in trust, to trie a title, and for occupying, and wasting the tenth demised, and for detaining of writings of copyhold lands contrary to their agreement.

Sect. 77.

HUmbly complaining, sheweth vnto your Lordship, your daily Orator I. R. of W. in the countie of Y. yeoman, That whereas about fortie yeares now last past, one Wil. Y. yeoman was lawfully seised in his demesne, as of fee, of and in one messuage, with the appurtenances in E. in the countie of Y. and of, & in diuers lands, tenements medowes, pastures, & hereditaments thereunto belonging, being freehold land in E. aforesaid, & Y. in the said countie of Y. & he being therof such estate so seised about the first yeare of the raigne of the Q. Maiestie that now is, by his last will and testament in writing made, and written in the life time of the said Wil. Y. did giue and bequeath the same to one E. then his wife, and now wife vnto your said Orator, for the time of her naturall life, the remainder thereof after her decease to one R. Y. as by the said Will appeares, and afterward the said Wil. Y. died of such his estate thereof, so as is aforesaid seised, by force of which Will and deuice, the said E. by and after his death entred into the sayd messuage or tenements, & was thereof lawfully seised in her demesne, as of freehold, for the terme of her life, the remainder thereof after her decease to the sayd R. Y. in forme aforesaid belonging: and also whereas the said Wil. Y. was in his life also seised, of, or in certaine copihold or customarie lands, lying and being within the manor of S. in the sayd C. of Y. and holden of the said manor by copy of the Court rolles of the same in his demesne, as of fee, according to the custome of the sayd manor, and hee being therof so seised, dyed thereof so seised, by and after whose death the said E. his wife was endowed of the third part of the sayd copihold or customarie lands and tenements, and according to the custome of the said manor, admitted therof tenant by the Steward of the court of the said manor accordingly, by force whereof she likewise entred into the third part of the said customary tenements and premisses, and was therof likewise seised in her demesne as of freehold, as tenant in dower therof, for the terme of her life naturall, according to the said custome, and quietly & peaceably occupied and inioyed the same vntill about ten yeares now last past. Now that your sayd Orator through importunacie and earnest persuasions of some friends of the said I. T. and A. L. was contented in some manner to yeild vnto their suit, and thereupon for the furtherance and triall of the title and interest of the said I. T. about the 14 day of I. in the 26 yeare of the Queenes Maiesties raigne that now is, without any fine, income, or other consideration to him payd, but giuing credit vnto

the ſpæches of the ſaid I.T. and A.L. that they would ſæke nothing at the hands of him your ſaid Oꝛatoꝛ, but only vſe the benefit of his pꝛeſent eſtate, foꝛ the reſiſting of certaine vnlawfull ſuits and attempts which were then offered (as they then affirmed) as by the ſaid R. and others, did by this your ſaid oꝛatoꝛs Indenture of leaſe, bearing date about the ſaid time, demiſe, graunt, and to farme let to the ſaid I.T. and A.L. all the ſaid freehold lands, tenements, and hereditaments, with the appurtenances in E. & H. afoꝛeſaid. To haue and to hold the ſaid tenements, and pꝛemiſſes, with the appurtenances, to the ſaid I.T. & A. L. their execuꝛs and aſſignes, from the feaſt of S. M. the Biſhop in Winter laſt paſt, befoꝛe the date of the ſaid Indenture vnto the full end and terme of 21. yeares thence next following, and fully to be complete and ended, if the ſaid E. did ſo long liue, yælding and paying theꝛefoꝛe yearly during the ſaid terme of 21. yeres vnto your ſaid oꝛatoꝛ, his execuꝛs, adminiſtratoꝛs, and aſſignes, 20. s. of lawfull Engliſh money, at the feaſtes of Pentecoſt, and S. Martin the Biſhop in Winter by euen poꝛtions, as by the ſame Indenture moꝛe at large appeareth: by vertue and pꝛetence of which demiſe, the ſaid I.T. and A.L. into all the ſaid tenements and pꝛemiſſes, with the appurtenances, about the ſame time entred, and were thereof poſſeſſed, and euer ſince their entry haue quietly and peaceably occupied and enioyed the ſaid demiſed tenements and pꝛemiſſes, & the rents, iſſues, and pꝛofits thereof ariſing and comming, haue quietly and peaceby taken and conuerted to their owne only vſe: which rents, iſſues, and pꝛofits of the pꝛemiſſes, euer ſince the making of the ſaid leaſes, which is by the ſpace of ten yeares now laſt paſt, haue bin yerely woꝛth 4. li. at the leaſt, ouer and aboue all charges and repꝛiſes. And in truth at the time of the making of the ſame leaſe, it was fully concluded and agræd by and betwæn your ſaid Oꝛatoꝛ, the ſaid I.T. and the ſaid A.L. and the ſaid I.T. and A.L. in conſideration of the making of the ſaid leaſe to them by your ſaid Oꝛatoꝛ in maner and foꝛme afoꝛeſaid, and foꝛ the cauſes afoꝛeſaid, pꝛomiſed that the ſaid leaſe, and their ſaid eſtate thereby made, ſhould be ſurrendꝛed and yælded vp vnto your ſaid oꝛatoꝛ, when either the ſaid ſuits were ended betwæne the ſaid R. and them, oꝛ either of them, oꝛ when they by vertue of the ſaid leaſe had enioyed the ſame demiſed tenements and pꝛemiſſes, by the ſpace of one whole yeare, foꝛ then the ſame leaſe was ſo, as is afoꝛeſaid, made onely foꝛ the defence and triall of the ſaid eſtate, right, and title of the ſaid I.T. and A. L. of, and in the ſame tenements, and pꝛemiſſes, and not to the intent that they oꝛ either of them ſhould by reaſon of the ſame Indenture, accoꝛding to the purpoꝛt and tenoꝛ thereof, foꝛ the terme of 21. yeares haue vſe and enioy the ſame, foꝛ ſo ſmall a rent, which neuertheleſſe they haue done, and yet doe ſo

occupy

occupy and enioy the same, contrarie to their said faithfull promise and agreement, as is aforesaid, thereof made: and yet not contenting themselues with the said occupation of the said tenements, &c. do not only deny and refuse to yeld vnto your said Orator either the said yerely rent reserued vpon the said lease, or any other consideration for the occupying of the same, and vtterly deny to yeld vnto your said Orator any rent or consideration for the same, being so as aforesaid, behind by the space of ten yeares: but also do vtterly deny to yeld vp vnto your said Orator their said estate and terme of yeares yet to come, of, and in the said demised tenements and premisses according to their faithfull promises and agreement, so as is aforesaid made, and further, since their said entrie into the said tenements and premisses, they the said I. T. and A. L. or the one of them haue razed or defaced all or part of the houses, edifices, and buildings, which at the time of the making of the same lease were standing and being vpon the said demised tenements and premises, and the thacke, slate, timber, and stone thereof, haue either giuen away or conuerted the same to their owne vses, without the consent of your said Orator, to the intent that the same tenements might so be made vnmeete for the habitation of your said Orator, and his said wife, whereby they might the rather enforce your said Orator for want of the said buildings, to yeld the same vnto them, for little or nothing, by reason of the want of the said Indenture, there being onely one part thereof made together, which with such copies as concerne the said Copihold lands, are in the hands and possession of the said I. T. and A. L. or of any of them, or of some other persons by the deliuery of them, or of one of them, the certaine number, dates, contents, and other certainties whereof your said Orator knoweth not: and albeit that your said Orator hath diuerse times in gentle manner required them the said I. T. and A. L. to deliuer vnto your said Orator the said Indenture and copies, and to yeld vp and surrender vnto your said Orator the said interest, of, and in the said demised tenements and premisses, according to the said agreement and trust, yet they so to do, haue euer hitherto refused and denied, and yet doe denie and refuse to do the same, and to yeld vp and surrender the said estate of, and in the said premisses, according to the trust in them reposed, and to repaire and redifie the said tenements and premisses so by them razed, and pulled downe, as is aforesaid, against all right, equitie, and good conscience, and against all good and honest dealing, and to the impouerishing, and vtter vndoing of your said Orator, and his said wife, if speedy remedie be not in due time by your honourable L. prouided for the repressing of their said vnconscionable purposes and attempts in the premisses. In tender consideration whereof, and forsomuch as the said

Indenture

Indenture, conclusion, promises, and agreements, so as aforesaid, had, and made, by, and betweene your said Orator and the said I. T. and A. L. concerning the premisses, were secretly made and agreed vpon, by, and betweene themselues, and few witnesses being priuie thereunto, or present with them at the time of the making thereof, which might testifie the same, and those witnesses (such as they were) be now either dead, or vnto your said orator vtterly vnknowne, being at the same time meere strangers vnto your said orator, & then brought thither by them the said I. T. and A. L. as it seemed, of set purpose to circumuent and deceiue your said orator, and his wife in the premisses, your said Orator then referring especiall trust and confidence to the said I. T. and A. L. as persons whom he toke and accounted to haue bin his very speciall good frends, and also very substantiall honest men, is vtterly without all remedy by the strict course of the common Lawes of this Realme, of Eng. to recouer either the possession of the same tenements and premisses, or of the said rents, they hauing his said Indenture of lease as is aforesaid, or to recouer the copies: It may therefore please your hon. L. the premisses graciously considered, to grant vnto your said orator, the Queenes Maiesties writ of Subpœna, out of her highnes Court of Chancerie, to be directed vnto the said I. T. & A. L. and either of them, thereby commanding them, and either of them at a certaine day, and vnder a certaine paine therein to be limited, to be, and personally to appeare before your hon. L. in the said court of C. then and there to answer vnto the premisses, and to stand to, and abide such order and direction therein, as to your hon. L. shall be thought to stand with right, equity, & good conscience. And your said orator shall daily pray vnto God for the prosperous preseruation of your Honors prosperitie & good health long to continue.

A Bill by an Administrator vpon a promise made vnto the intestate by the defendant, to pay vnto him certaine money in marriage of the defendants daughter with out of the intestate goods.

Sect. 78.

COmplaining, sheweth to your honourable L. G. Earle of S. Administrator of the goods and chattels of the right hon. G. Earle of S. deceased, his late father, That whereas about seuen yeares now last past, there was certaine communication betweene the said G. Earle of S. in his life time, and one W. R. of R. in the countie of M. Esquire, of, for, and concerning a marriage then intended to be made betweene H. T. Esquire, one of the sonnes of the said late Earle, and E. the onely daughter, and heire apparant of the said W. R. And thereupon it was fully concluded and agreed betweene the said late Earle, and the said W. R. and either partie did mutuall promise, and agree to and with the

other

other, that the said H. L. and the said E. daughter of the said W. R. should marry together, according to the Ecclesiasticall Lawes of this Realme of Engl. at a certaine day by the said parties, for that purpose agreed vpon and appointed. And for and in consideration of the said mariage to be made, as is aforesaid, the said W. R. about the same time did assume, and to the said late earle faithfully promise to pay and giue vnto the said late earle 4000 li. of lawfull Engl. mony, or thereabouts, at certaine dayes likewise in that behalfe betweene them agreed vpon, and now long since past: by reason of which agreement, promise, and assumption so made, as is aforesaid, the said H. L. did shortly after the said agreement, marrie and take to his wife the said daughter of the said W. R. And thereupon the said W. R. did well and truly content and pay to the said late Earle the summe of 3000 li. parcell of the sayd summe of 4000 li. or thereabouts. And shortly after, and before he the said late Earle had receiued the residue of the said summe of 4000 li. he the said Earle died. Now so it is, if it may please your honourable L. that the said W. R. not ignorant of the premisses, and nothing regarding his said agreement and faithfull promise and assumption, so as is aforesaid by him made, to and with the said late Earle, but imagining and fraudulently intending, as well the said late Earle in his life time, as your said Orator, being administ. of the goods and chattels of the said late Earle, since his death, in this behalfe faithly and deceitfully to defraud and deceiue him of the summe of 1000 li. at the least, parcell of the said summe of 4000 li. or thereabouts, by him agreed and promised to be paid to the said late E. as is aforesaid in consideration of the sayd mariage, although he the said W. R. hath oftentimes, as well by the said late E. in his life time, as by the now E. since his death been curteously required to haue paid the said summe of 1000 li. according to his said agreement, promise, and assumption, yet that to doe, hath hee euer hitherto denied and refused, and yet doth denie and refuse to doe the same, contrary to his said faithful promise and assumption, to the great losse and damage of the now E. and altogether against all right, equity, and good conscience. Notwithstanding that the said late E. in respect of the said mariage, hath cõueied & assured vnto the said H. L. a good estate of inheritance, of diuers manors, land, tenements, and hereditaments worth 3000 li. by the yeare, or thereabouts, whereof the said E. his daughter is intituled to haue power by law: In consideration whereof, and for so much as by reason of the great trust & confidence which the said late E. did repose and put in him the said W. R. the said agreement, promise, and assumption, so as aforesaid, betweene them made, was so made secretly and priuately betweene themselues onely, without calling any other person or persons vnto them to bee witnesses thereof,

which

which might testifie the same agrément, promise, and assumption, so that for want of witnesses to prooue the said promise and assumption, this compl. hath no remedie to recouer the same summe of 1000 l. by the due and strict course of the common Lawes of this Realme, nor otherwise to recouer the said summe of 1000 li. if the said W. R. in his answer to the premisses vpon his oath in this honourable Court shall not confesse the premisses to bee true, as the Complainant verily thinketh that he will: It may therefore please your hon. lordship, the premisses considered, to grant vnto this compl. the Q. Maiesties writ of Subpœna, to be directed vnto the said W. R. thereby commanding him at a certaine day, and vnder a certaine paine therein, by your good L. to bee limited, to be, and personally to appeare before your hon. L. in her Maiesties high Court of Chancerie, then and there to answer to the premisses, and to stand to and abide such order and direction herein, as to your hon. L. shall seeme to stand with right, equitie, and good conscience, And your said Orator shall dayly pray vnto Almightie God, &c.

Sect. 79.

A Bill for entring into and detaining lands by colour of hauing euidence thereof, and for contriuing secret estates.

IN most humble wise sheweth and complaineth to your honourable L. your dayly Orator T. G. of, &c. That whereas one A. G. late of Y. aforesaid, Esquire, deceased, about fiue yeares now last past, was in his life time lawfully seised in his demesne as of fée, of, and in one parcel of medow called the Y. medow, containing by estimation 2 acres lying and being in Y. in the said countie of &c. And the said A. G. so being of all and singular the said premisses seised, about fiue yeares now last passed, of such estate thereof died seised. By and after whose death, all and singular the said premisses descended and came, as the same of right ought to descend and come to your said Orator, as brother and next heire to the said A. G. whereupon your said Orator immediatly after the death of the said A. G. entered into all and singular the said premisses, and was thereof lawfully seised in his demesne as of fée, and the issues and profits of all and singular the said premisses, did receiue, perceiue, and take to his owne vse, as lawfull was for him to doe: But so it is right honourable Lord, that about three yeres now last past, al and singular the Deeds, euidences, muniments, Terres, and writings, concerning the said premisses, and of right belonging to your said Orator, by casuall meanes are come to the hands and custodie of C. B. and W. C. who by colour of hauing the said deeds, euidences, muniments, terres, and writings in their hands, haue not onely wrongfully entered into all and singular the said premisses, and expulsed and put out your

said

said Orator, of, and from the same, but also haue contriued and made diuers and sundrie fained and secret estates of the said premisses, to diuers persons to your said Orator vnknowne, so that your said Orator knoweth not against whom to bring his action by the due order and course of the common lawes of this realme, for the recouery of the said lands, meadowes, and premisses, to the manifest disinherison of your said Orator and his heires for euer, vnlesse your good L. accustomed fauor and spædy redresse be vnto him shewed in that behalfe, and for that your said Orator knoweth not the certaine number of the said dæds, euidences, munements, terrers, and writings, nor the true dates of thē, nor wherein the same, nor any of them be contained, whether in bore, bag, or chest locked, sealed, or open, he is also without his remedy by the due order and course of the common lawes of this Realme, for the recouery of the said dæds, euidences, muniments, terrers, & writings, vnlesse your L. help and spædy remedy herein be to your said Orator extended: It may therefore please your honourable L. the premisses considered, to grant vnto your said Orator the M. Maiesties most gracious writ of Subpœna, to be directed to the said E. B. and W. E. and either of them, commanding them and either of them thereby at a certaine day, and vnder a certaine paine in the said writ to be limited and appointed, personally to be and appeare before your ho. L. in the M. high Court of Chancerie, then and there to answer vnto the said premisses &c. And further to abide such order and direction therein, as to your good L. shall seeme to stand with equity and good conscience. And your said Orator shall daily pray vnto almighty God for the preseruation of your honorable L. in good health long to continue.

A Bill that the Plaintife was seised in fee of Copihold lands, and agreed in consideration of money payable at certaine daies, to lease the same to the defendant for yeares, as appeareth by articles, and that the defendant hath not payed the money, to the plaintifes losse and discredit.

HUmbly complaining, sheweth vnto your honourable L. your daily Orator I. S. of Y. in the County of N. gent. That whereas vpon the 8. of September in the 32. yeare of the raigne of the Quænes most excellent maiestie that now is, your said Orator and A. his wife, as in the right of the said A. were, and yet be lawfully seised in their demeasne as of fee, according to the custome of the manno of S. in the Countie of Y. Of and in one messuage or tenement in B. within the Chappelry of B. in the Countie of Y. then in the tenure or occupation of E. B. or of his assignes, And of diuerse lands, meadowes, Sect. 80.

pastures,

paſtures, commons, profits, and commodities with the appurtenances thereunto belonging. And they being thereof ſo ſeiſed, it was then concluded and agreed betweene your ſaid Orator on the one partie, and I. M. and P. M. on the other partie, that your ſaid Orator and his ſaid wife within one yeare then next enſuing, ſhould ſurrender lawfully according to the ſaid cuſtoms of the ſaid manor of S. and to conuey vnto the ſaid I. M. and P. M. their executors and aſſignes the ſaid tenement and premiſſes to thoſe of the ſaid I. M. and P. M. their executors and aſſignes, from the feaſt of S. Michael the Archangell, which ſhall be in the yeare of our Lord God 1591. vnto the end and terme of eleuen yeares then next following, with ſufficient eartbote, heybote, and hedgebote to be taken vpon the premiſſes, and for the yearely rent of xij. d. to be paid for the ſame at two vſual feaſts in the yeare, and that in conſideration thereof, the ſaid I. M. & P. M. did then couenant and promiſe, to pay vnto your ſaid Orator the ſumme of 55. li. of lawfull Engliſh money in manner and forme following: that is to ſay, at, or before the feaſt of S. Michael the Archangell now laſt paſt 40. pounds of lawfull Engliſh money, and at, or before the feaſt of Martin the Biſhop now laſt paſt 15. li. thereof reſidue, as in and by certaine Articles indented, vnſealed, thereof made betweene them, bearing date the ſaid 18. day of September, in the 32. yeare aforeſaid, amongſt diuers other things plainly appeareth: But now ſo it is, if it may pleaſe your honorable Lordſhip to vnderſtand, that the ſaid I. M. and P. M. their promiſes and aſſumption aforeſaid not regarding, but imagining, and fraudulently intending your ſaid Orator in that behalfe falſly and deceitfully to deceiue and defraud, the ſaid 55. li. nor any peny thereof, though oftentimes by your ſaid Orator gently required to make payment thereof, according to their promiſe and aſſumption aforeſaid haue not payed, nor haue in any wiſe contented your ſaid Orator, by meanes whereof your ſaid Orator hath not onely forborne and loſt great gains and profits, which he might haue gotten with the ſaid 55. li. by lawfull bargaining, buying and ſelling, if the ſaid I. M. & P. M. had paied the ſame according to their promiſes, but alſo hath thereby beene greatly hindred in his credit to diuers perſons to whom he was indebted, in ſeueral ſummes of money, and vnto whom he your ſaid Orator promiſed and became bound himſelfe by obligation to haue paid the ſame, at diuerſe dayes now paſt, vpon hope of the fulfilling and performance of their ſaid promiſe, aſſumption, and agreement aforeſaid, which is to the grieuous loſſe and damage of your ſaid Orator, and altogether againſt all right, equity, and good conſcience: In tender conſideration whereof, and forſomuch as the ſaid concluſion, promiſe, and agreement was ſo priuatly, and ſecretly made betweene your

ſaid

ſaid oꝛatoꝛ, and the ſaid I. M. & P. M. that no other perſons were then preſent which can teſtifie the ſame, ſo that your ſaid oꝛatoꝛ foꝛ want of due pꝛoſe thereof, hath no remedy by the vſuall courſe of the common Lawes of this Realme to recouer the ſame, noꝛ otherwiſe, if they the ſaid I. M. and P. M. in their anſwers to the pꝛemiſſes in this honourable Court ſhall not confeſſe the truth of the pꝛemiſſes to be, as is afoꝛeſaid, as your L. ſaid oꝛatoꝛ verily thinketh they will: It may theꝛefoꝛe pleaſe your honourable Loꝛdſhip, the pꝛemiſſes graciouſly conſideꝛed, to grant vnto your ſaid oꝛatoꝛ the M. Maieſties writ of Subpœna, to be directed to the ſaid I. M. and P. M. theꝛby commanding them, & either of them, at a certaine day, and vnder a certaine paine theꝛein to be limited by your good L. to be, and perſonally to appeare befoꝛe your good L. in her Maieſties moſt high Court of Chanceꝛie, then and there to anſwer to the pꝛemiſſes, and further to abide ſuch oꝛder and diꝛection theꝛein, as to your good L. ſhall ſeeme to ſtand with right, equity, & good conſcience. And your ſaid oꝛatoꝛ ſhall daily pꝛay vnto Almighty God foꝛ the pꝛeſeꝛuation of your hoꝛoꝛ in good health long to continue.

An anſwer and demurrer to the ſame Bill.

THe ſaid defendants, and either of them making pꝛoteſtation, and not any waies confeſſing any thing in the ſaid Bill of compl. conſained to be true, in ſuch maner and foꝛme, as in the ſame it is theꝛeby ſet foꝛth & declared, do further ſay, that the ſame are altogether deuiſed, and contriued of malice, oꝛ ſet purpoſe, to put theſe ſaid defendants to wꝛongfull veꝛation, great trouble, & expences in the law foꝛ following of the ſame, as they are pꝛobably induced to thinke, and without any iuſt ground oꝛ reaſonable cauſe by them giuen vnto the ſaid complainant ſo to doin which reſpect, and foꝛ becauſe that it euidently appeareth by the ſaid Bill, that if the ſaid complainants allegations were true in ſuch maner and foꝛme, as in the ſaid bill they are ſet doꝛwne and declared, as theſe def. verily thinke, and are ſurely perſwaded they are not, the ſaid compl. hath good remedy, and ought to ſue foꝛ the ſame by way of action, at, & by the common law of this Realme, and not in this hon. Court, as theſe def. and either of them take it. And foꝛ the other apparant inſufficiencies in the ſaid Bill of compl. conteined, the ſaid defend. and either of them demurre in Law, and demand iudgement, whether they ſhall make any further anſwer vnto the ſaid inſufficient bill of compl. and doe further pꝛay to be diſmiſſed out of this honourable Court, with their coſts and charges, in this behalfe wꝛongfully ſuſtained: And yet neuertheleſſe, if the ſaid defend. oꝛ either of them ſhall be compelled by the oꝛder of this hon. Court, to make any further oꝛ Sect. 80.

other

other answer to the said vntrue and vnsufficient bill of complaint: then they and either of them for the satisfaction of this hon. Court, in the truth of all the matters in the said bill most vntruly obiected by the complainant, against the said def. for further and full answer thereunto, and for plaine declaration of the truth therein: They the said def. and either of them say, that true it is indeed, that there was a certaine speech or communication had betweene the said complainant and these said defendants for such a bargaine to be had and made betweene them in such sort, for the lease and paiments, as they are by the said bill alledged, the which said communication was then set downe in certaine articles, bearing date, in the said complainants Bill alledged. And it was then also most materiall, for these said def. further couenanted and agreed on the part of the said complainant, that that said cõmunication should be by him the said compl. put in writing by deed indented, and according to the Law be executed by sealing and deliuering thereof, as these said def. then did, and yet do take it, and moreouer, that the said compl. and G.B. of C. in the Countie of D. Esquire, should become bound ioyntly and seuerally vnto the said defend. for the true performance of all and euery the said agreements, in the summe of 100.li. before the paiment of the said summe of 40.li. in the said bill mentioned, being the first payment which they should haue made, the which said communication as the said defendants did account it, was then set downe in writing vnder the terme of articles of agreement, but yet neuer meant to conclude or bind the said bargaine, vntill the same should haue bin ingrossed, sealed and deliuered, and the said oblig. entred at the said compl. costs and trauell, as the said defen. haue euer taken it, and thinke the same will proue so in law, because it was referred to further writings more effectuall in the law to be accomplished by the said com. the which to doe, he neither yet hath, neither as it seemeth meant to performe, but rather to gaine the said defen. money, without any assurance thereof to be made vnto them, for that he hath not caused the said articles to be ingrossed, neither hath he and the said G.B. entred into bond to the said def. or either of them according to the said agreement, but wholly sought, if by any means he could, cunningly to possesse himselfe of the said summe of 55.li, or of so much thereof, as he could without any assurance making, or entring into bond to the said defendants (as aforesaid) to the great impouerishment of the said defendants, if the said complainants intent had taken effect, for which causes they the said defendants thinke that the said complainant hath no iust cause of complaint, neither are they the said defendants or either of them bound, as they take it, to performe the said payments in the said bill expressed, without that, that the said agreement was priuately and

secretly

secretly made betweene the said complainant, and the said defendants as in the said bill is most vntruly alledged, or that the said defendants euer meant any fraud or guile, as likewise in the said bill is verie slanderously pretended. And without that, that any other matter or thing in the said Bill of complaint contained, materiall or effectuall in the law to be answered vnto, and in this their answere not sufficiently answered vnto, confessed, and auoided, trauersed, or denied, is true, all which matters, these defendants and either of them are ready to auerre and proue as this hon. Court shall award, and pray that they may be dismissed out of the said Court, with their reasonable costs and charges in that behalfe wrongfully, and without cause sustained.

The Replication of Io. S. complainant, vnto the ioynt and seuerall answeres and demurrers of I. M. and P. M. defendants.

THe sayd complainant for replication sayth, in all and euery thing and things, as he in his said bill of complaint hath said, & doth and will auerre, iustifie, and maintaine his said bill of compl. and all & euerie thing and things, clause, sentence, article, and allegation therin contained, to be good, iust, and true, certaine and sufficient in the law to be answered vnto by the said defendant, and deuised and exhibited into this honourable Court, vpon good and iust cause of suit, as in & by the said bill is most truely set downe and inclosed: And not deuised, imagined, and set forth by this complainant, against the said defendants vpon malice or set purpose, to put these defendants to wrongfull and very vniust vexation, costs, charges, and suit in law, without any good ground or cause so to doe, as in the said answer it is vntruely alleaged. But the said complainant saith, that the answeres of the said defendants are verie vncertaine, vntrue, and insufficient in the law to bee replyed vnto for diuers and manifest imperfections therein contained. Neuertheless, if by the order of this honourable Court this complainant shall be compelled to make any further replication vnto the sayd vntrue, incertain, and insufficient answers of the said defendants, then and not otherwise, the aduantage of exception, to the manifest incertaintie and insufficiencie thereof to this complainant, at all and euery time and times hereafter saued, for further replication thereunto, sayth, as in the said bill of complaint he hath said, without that, that at the sayd time of the making of the said agreement in the sayde Bill and answere mentioned, it was further couenanted and agreed on the part of the said complainant, that the sayd communication should by the said complainant bee put in writing by deed indented, and according to the law be executed by sealing and deliuerie thereof. Or that

Sect. 82.

This complainant, and the said G.B. Esquire, in the said answere named, should become bound joyntly and severally vnto the sayd Defendant, for the true performance of all and every the sayd Agreements in the summe of 140 li. in the said bill mentioned, being the first paimēt which they should haue made, as in the said answer it is very vntruly alledged, with this, that this complainant doth and will auer & proue, that the said communication in the said bill and answer mentioned, set down vnder the terme of articles of agreement, was euer meant to conclude and bind the said bargaine, the same not referred to any further ceremonie of ingrossing, sealing, and deliverie, or entring into the said obligation by the said complainant, or G.B. at the costs and trauell of the foresaid complainant, & the said G. and this complainant also sayth, that the same agreement was then fully and absolutely made, and not referred to any such further writing more effectual in the law, to be fully accomplished by the said complainant, as in the said answer it is coniecturally and vntruly suggested, and without that, that this complainant, and the said G.B. or either of them, haue meant to gaine the sayd defendants monie, without any assurance made of the tenements in the said bill mentioned to the said defendants, or wholly sought by any meanes he could, cunningly to possesse himselfe of the said sum of 50 li. or of so much thereof as he could, without any assurance making, or entring into bond to the said defendants, as aforesaid, to the great impouerishment of these defendants, if the complainants intent had taken effect, as in the said answer is vntruly surmised. For this complainant saith, that euer since the making of the said bargaine and agreement, he and the said G.B. haue, and yet are ready to performe and doe whatsoeuer they did then bargain and agree to do by the same articles, as vnto this honourable Court shall be truly and sufficiently proued, and this complainant also saith, that he hath iust cause of complaint, and that the said defendants are bound to performe the said paiments in the said bill of complaint mentioned, which he hopeth they shall be compelled to doe, by the order of this honorable Court. And without that, that any other matter, thing, or things, clause, sentence, article, or allegation, in the said answer contained, materiall, or effectuall in the Law, to be replied vnto, by this complaint, and not herein in this his replication by this complaint sufficiently replied vnto, confessed, and auoided, denied, or trauersed, is true. All which matters this complainant is readie to auerre and proue as this honourable court shall award, and prayeth as he in his said Bill of complaint hath prayed.

A Bill for money lent without ſpecialtie and witneſſe.

To the right honorable Sir T.B. &c.

IN moſt humble wiſe complaining, ſheweth vnto your honourable Lordſhip, your daily Orator T.G. of Aſhebourne, in the Countie of Darby, gentleman, That whereas your ſaid Orator by way of preſt, at the feaſt of S. in the 18. yere of the raigne of our ſoueraigne Lady Elizabeth by the grace of God, of England, France, and Ireland, Q. defendreſſe of the faith, &c. did deliuer vnto E.C. of A. in the countie of S. yeoman, the ſumme of 20. li. of currant Engliſh money, to be paid vnto him your ſaid orator, at or before the feaſt of S. Bar. the Apoſtle then next enſuing: Now ſo it is, that although your ſayd orator hath many and ſundry times required payment of the ſayd 20. li. yet notwithſtanding, he the ſaid E. the ſame 20. li. to your ſaid orator hath not yet paid, to the great loſſe and hindrance of him your ſaid orator. And for becauſe your ſaid orator hath not any ſpecialtie or witneſſe to proue the deliuerie of the ſaid 20. li. he is therefore thereof without remedy by order and courſe of the common Lawes of this Realme, & is vtterly like to loſe the ſaid ſum, contrary to all equity, good conſcience, and true dealing, vnles your honorable L. fauor and lawful he aid herin ſhewed. In tender conſideration whereof, may it pleaſe your honorable L. the premiſſes conſidered, &c. Sect. 83.

The anſwer of the ſaid bill.

THe ſaid defendant ſaith, That the ſaid Bill of complaint is verie vntrue and inſufficient in the Law to be anſwered vnto, for diuers apparent matters therein contained, & that the ſame is deuiſed by the ſayd complainant, and exhibited into this honourable Court of mere malice and euill will, to the intent to put this defendant to great charges and expences, without any good matter, or iuſt cauſe, or colour of cauſe ſo to doe: And that if the ſaid ſuppoſed matter were true, as indeede it is not, yet were the ſame determinable at and by the common Lawes of this Realme, and not in this H. Court, whereunto this defendant prayeth to be diſmiſſed, with his reaſonable coſts and charges in this behalfe wrongfully ſuſtained: without that, that the ſaid complainant by way of preſt at the feaſt of Pentecoſt, in the ſaid 23 yeare of the Queenes Maieſties raigne, or at any other time did deliuer vnto this defendant the ſaid ſumme of twentie pounds, to be paid vnto him at, or before the ſayde feaſt of Saint Bartholomew the Apoſtle, as in the ſayd Bill is ſuppoſed. And without that, that the ſaid complainant many and ſundry times required payment of the ſaid twentie pounds, as in the ſaid Bill is likewiſe vntruely ſuppoſed. And without that, Sect. 84.

that any other matter, thing, or things, clause, sentence, article or allegation in the said bil contained materiall or effectuall in the law to bee answered vnto, and not herein in this his answere sufficiently confessed and auoided, denied, or trauersed, is true. All which matters, &c.

A bill of detaining Bonds and Bils paid, praying an Iniunction to stay suit therevpon.

To the right honourable Sir C. H. Knight of the noble order of the Garter, and Lord Chancellor of England.

Sect. 85. HVmbly sheweth vnto your good Lo. F. L. of S. in the dale, in the Countie of D. Esquire: That whereas your said suppliant did long sithence in his fathers life time at diuers seuerall times (the certaintie whereof your Lo. said orator doeth not now remember) vpon some occasion that he then had to vse more money than hee had then in store, did borrow and take to lone of one R. S. of S. in the said county of D. yeoman, diuers summes of mony, vpon receit whereof, your Lo. said suppliant did alwaies deliuer vnto the said R. S. either sufficient obligations of double the summe borrowed, or else his the said F. L. your Lo. said suppliants single bill obligatory, for repaiment of all such summes of money as he then borrowed at such times as were then agreed vpon betweene them. And amongst the rest, your Lordships sayd Orator did about twenty yeares since, as he now remembreth, borrow of the said R. S. the sum of xx. l. for the repaiment whereof at a certaine day therefore then agreed vpon betweene them, your L. said suppliant did then deliuer vnto the said R. S. his bill obligatorie for his sufficient assurance thereof, the which said twenty pound, like as also all the other summes of money so borrowed by your L. sayd suppl. as is aforesaid the said F. L. your L. said suppliant, hath most certainly now long sithence repayed vnto the said R. S. at such time as he the said R. was well therewith contented, as well in full discharge of the said bill obligatory of xx. l. as of all the other bonds and writings so entred into by your Lo. said suppliant as is aforesaid: and in respect that he the said R. S. had not the said bill obligatory for the said xx. l. readie to bee cancelled and redelinered at the said repayment of the said xx. l. hee the sayd R. S. did then very faithfully promise vnto him y made the said repaiment, that he the said R. S. would assuredly cancel the said bil obligatorie, whensoeuer the same should next come into his hands: But so it is, if it may please your good Lo. that the said R. S. hath lately put the sayd bill for the said xx. l. in suit, as your Lo. sayd suppliant is credibly informed,

informed, meaning to be double paied for the ſaid xx.li. in the ſayd Bill mentioned, againſt all equitie and good conſcience: In conſideration whereof, and for as much as your L. ſayd Orator hath no remedie at the common Law, either to recouer the ſaid Bill obligatorie for the ſayde ſumme of xx.li. from the ſaid R.S. or otherwiſe to plead in diſcharge thereof. And forſomuch as the ſaid R.S. hath diuers other the ſaid obligations and writtings yet remaining in his handes, which are likewiſe ſatiſfied, and which he hath promiſed to deliuer vnto your L. and ſuppliant at diuers times now long ſithence paſſed, the which to doe, hee hath hitherto not fulfilled, & in verie good ſort by your L. ſaid Orator, & his ſeruant oftentimes required, for like recouerie or diſcharge whereof, your L. ſaid ſuppliant ſtandeth likewiſe deſtitute by the ſtrict courſe of the common lawes. It may therefore pleaſe your good L. to award aſwell the Vn. Maieſties moſt gracious writ of Iniunction, to bee directe vnto the ſaid R.S. and all and euerie of his Counſellours, Atturnies, Sollicitors, and Factors, commanding them and euery of them thereby at a certaine day, and vnder a certaine paine therein to be limited, perſonally to appeare before your good L. and further to proceed in the ſuit vpon the ſayd xx.li. bill, vntill your L. ſhall haue taken further direction therein: as alſo the Vn. maieſties writ of Subpœna to be directed to the ſaid R.S. commanding him thereby &c.

A Bill to examine witneſſes in perpetuam rei memoriam, *touching a leaſe to be made in truſt by the plaintife to the defendant.*

To the right honorable Sir C.H. Knight, Lord Chancellor of England.

IN moſt humble wiſe complayning, ſheweth vnto your Honourable Lordſhip, your ſuppliant and daily Orator T.B. of B. in the county of P. eſquire: That whereas your ſaid Orator about ſix yeares now laſt paſt, was, and yet is lawfully ſeiſed in his demeſne as of fee, of, and in one meſſuage or tenement called B. and of diuers landes and grounds thereunto belonging, or with the ſame commonly vſed or occupied, lying and being within the Pa. of M. in the Countie of P. and hee beeing thereof ſo ſeiſed, vpon ſpeciall truſt and confidence which hee then repoſed in one Wil. G. of B. in the county of P. and M. his wife, by his deed ſufficient in the law, did demiſe, graunt, and to farme let vnto the ſaid Wil. G. and M. his wife, when ſhee the ſaid M. was ſole and vnmarried, the ſaid meſſuage, tenements, and premiſſes, To haue and to hold the ſame vnto the ſaid Wil. and M. from the end and expiration of one leaſe then enduring, and now ended, which the ſayd Sect. 86.

W.G. then had in the premisses for the terme of xxj yeares thence next following, fully to be compleat and ended: which said lease was not only meant and intended to be to the vse of your said Orator, but also at the time of the making hereof it was so declared and expressed, as well by your said Orator, as by the said W. and M. in the presence of diuers witnesses, and not to the vse of the said W. and M. as your Orator shal be able plainly to proue in this honourable Court, which notwithstanding by the sinister persuasion, confederacie, and procurement of one W.L. of C. in the county of D. yeoman, they the said W. & M. doe challenge and claim the said lease to be to their own vse and behoof, contrary to the foresaid trust so reposed by your said orator in the the said W.G. and M. and contrary to the foresaid vse thereupon expressed, at the time of the sealing and deliuerie of the foresaid lease by your said Orator vnto them, as is aforesaid. And forasmuch as the foresaid lease in writing is absolute, without any vse expressed or declared in the deed of the same, And also seeing such witnesses as your said orator hath for the proofe of the foresaid vse declared (at the time of the sealing and deliuerie of the foresaid lease) are now very aged and impotent, & not likely to liue long, and doe inhabit and dwell within the county of Y. and are not able to trauell to the city of London, and if they should chance to die before they be examined concerning the premisses, then were your said Orator without all remedy for proofe of the foresaid vse and trust so by him reposed in the said W.G. and M. his wife, (except by your good L. it bee granted vnto him, that he may haue a commission directed vnto such persons, as to your L. shall be thought meet, inhabiting in the said counties of Y. for the examining of the foresaid witnesses, in ꝑpetuã rei memoriam, for the proofe of the foresaid vse and trust reposed by your sayd orator in the said W.G. & M.) May it therefore please your most H.L. the premisses gratiously considered, to grant to your said Orator, &c.

A Bill vpon promise safely to deliuer sheep to the plaintif, by one whose executor the defendant is, which testator and executor conuerted the said sheepe to their owne vse, with an answer to the said Bill, and replication thereunto.

To the Queenes most excellent Maiestie, in her Highnesse Court of Chancerie.

Memor. This direction is when there is neither Lord Chancellor, nor Lord Keeper.

Sect. 87.

HVmbly complaining, sheweth vnto your Maiestie, your faithfull subiect W.P. of Y. in the county of L. Gentleman, That whereas about

about the month of Aprill, which was in the yeare of our L. God 1590, one H. S. was lawfully possessed of 121 ewes, and 131 lambes, as of his owne proper goods, and he being of them so possessed, about the same time did sell the same vnto your Maiest. said subiect, for the sum of 50. li. of lawfull English money or thereabouts to him paid by your sayde subiect: by force of which bargaine your saide subiect was of the sayd sheepe lawfully possessed, as of his own proper goods, and he being therof so possessed, it was then agreed between your said subiect, and the said H. S. and one G. C. of A. in the county of H. husbandman, y the said H. S. should deliuer the same sheepe to the sayd G. C. to be safely kept by him to the vse of your said subiect, to bee brought and deliuered to your said subiect, at your said sub. his dwelling house in H. aforesaid, in the said county of Lincolne. And thereupon the said G. C. in consideration thereof, and in consideration of 40. s. to him by your said subiect to be paid at the deliuery of the said sheep, in forme aforesaid, did then assume vpon himselfe, and to your said subiect did faithfully promise, that if the said sheepe were deliuered vnto him, according to the said agreement, that then he the said G. C. would well and safely keepe the same, and bring and deliuer them, or cause the same to bee brought and deliuered vnto your sayd subiect at his said house in H. aforesaid, within a certain time after that he should receiue the same: which time is long sithence past. And your highnesse said subiect further saith, that about the first day of March next ensuing the said agreement and promise, all the sayd sheepe were deliuered vnto the said G. C. at A. aforesaid, according to the sayd agreement. But so it is, if it may please your excellent Maiestie, that the said G. C. in his life time imagining and fraudulently intending your said subiect in this behalfe craftily and subtilly to defraud and deceiue, did not onely deliuer vnto your sayd subiect the sayd sheepe, nor any of them, according to his said faithfull promise and assumption: but contrariwise did take and conuert a great part of them to his owne proper vse, selling some of them to diuers persons, to your said subiect vnknowne for diuers sums of money, conuerting the same to his owne vse, and killing sundry other of them in his house. And shortly after made his last will and testament in writing, and thereof constituted one R. C. his brother his executour, and died possessed of the said residue of the sheepe. After whose death the sayd R. C. prooued the foresaid Testament, and also tooke vpon him the burthen & charge of the execution thereof, and by pretence thereof the said residue of the said fiuescore and one Ewes, and fiuescore and one Lambes, beeing about fourscore Ewes, and threescore Lambs, worth thirty pounds and aboue, came to the hands and possession of the saide R. C. who imagining and fraudulently intending your sayde subiect in this be-

halfe subtilty of the said sheepe to defraud and deceiue, hath in like maner solde the most part of the said ewes and lambes, so comen to his hands and possession, to diuers persons to your said subiect vnknowne, for diuers summes of mony betweẽ them agreed vpon, and the mony thereof arising hath conuerted to his onely vse and behoofe: and albeit your said subiect hath diuers times comen vnto him the said R.C. since the death of the said G.C. gently requiring him either to deliuer vnto him your said subiect such and so many of the said sheepe, so as is aforesaid, comen into his hands and possession, or the value thereof, which verie value of such other sheepe, as the said G.C. had in his life time so as is aforesaid conuerted to his owne vse, yet the sayd R.C. notwithstanding that after the death of the said G.C. the goods and chattels, which were the said G.C. at the time of his death, sufficient both to discharge, pay, and performe, all the debts and legacies of the said G.C. and to satisfie your maiesties said subiect of and for such, and so many of the said sheepe as came to the hands of the sayd G.C. and neuer came to the hands, custodie, or possession of him the sayd R.C. hath euer hitherto denied and refused, and yet doth deny and refuse to yeeld vnto your said subiect any satisfaction or any recompence at all, either for the said sheepe, so as is aforesaid, conuerted to the onely vse of the said G.C. in his life time, so as is sayd, either conuerted to the vse of the aforesaid R.C. after the death of the said G. or by him the sayd R. still vniustly detained and holden from your said subiect, which vniust dealing of him the sayd R.C. is to the grieuous losse and damages of your sayd subiect, and altogether against all right, equitie, and good conscience. In tender consideration whereof, and forsomuch as the said promise of the said G.C. so as is aforesaid made for the deliuery of the said sheepe as is aforesaid, was so made in the presence and hearing of the said R.C. and of certaine other witnesses, which be now all dead, but the said R.C. insomuch as for want of such proof as is requisit in that behalfe, he your said subiect is without all remedy either to recouer the said sheepe, or any recompence for the same, either by the strict course of the common lawes of this realme, or in this honorable court, otherwise than by the parties owne confession vpon his oath in this honorable court, which your said subiect verily doth imagine and thinke that he will confesse to be in such sort, as is here aforesaid. It may therefore please &c.

The answere of R.C. to the Bill next before.

THe said defendant by protestation not acknowledging or confessing the matters in the said bill of complaint contained to be true, in such manner and forme as in the same they be set forth and alleaged, saith,

saith, that the said bill of complaint is verie untrue, incertaine, and insufficient in the law to be answered unto, and the matters therein surmised, are enuiously deuised, and unconscionably contriued, imagined, and set forth, only of purpose to vere and molest this defendant vniustly, and to put him to great trauell, expences, and charges of suite, and that without any iust cause or good matter, as this defendant hopeth he shall prooue unto this honorable court, neuertheless the aduantage of exception to the insufficiencie, and uncertainty of the said bil of complaint, and all other aduantages to this defendant at all times hereafter saued, the said defendant for answer unto the said bill of complaint saith, that he doeth not certainly know, neither is hee as he thinketh, compellable to take notice, whether one Y. S. in the bill named, being about the moneth of Aprill, in the yere of our Lord God 1590. lawfully possessed of fiftie or one ewes, and fiftie or one lambes, as of his owne proper goods, did sell the same unto the said complainant, for the summe of fifty pounds, as in the said bill is supposed, or whether the said complainant, being lawfully possessed of the sayd sheepe, as of his owne proper goods by force of such bargaine, there were any such agreement betweene the said complainant, and the said S. and one G. C. of A. in the County of Y. for the deliuerie of the said sheepe to the said G. to bee safely kept to the complainants vse, and to bee deliuered to the complainant at his dwelling house in Y. in the County of L. as in the said bill is suggested, this defend. as hee thinketh, is not bound now to take notice, beeing then a stranger thereunto, or whether the said G. C. upon the former part of the sufficient consideration grounded upon the premisses, or for, in, or upon the latter, beeing a lame, blanke, and imperfect, or rather no consideration, there naming nihil omnino to be by the said complainant paid unto the sayd G. C. did assume and faithfully promise unto the complainant safely to keepe and deliuer the said sheepe, as in the said bil is alleaged, but this defendant sayth, that if the assumption be grounded upon any good consideration, then the complainant might haue his remedy at the common law, if he had any iust cause. And therefore this defendant, as he thinketh, might very well demurre the Law upon the sayd bill, and demaund iudgement, if he shall be by this honorable Court compellable to aunswer the complainant any further. Neuertheless, forasmuch as this defendant hopeth that the said complamant shall neuer be able to prooue his subtill supposed suggestions in the said bill set forth, and alleaged, For further answer unto the said bil, saith, that true it is, that the sayd G. C. in the said bill mentioned, made his last Will and Testament in writing, and therof constituted this defendant his executor, and dyed, without that, that the sayd G. C. in his life time, imagining, and fraudulently

vulently intending the said complainant in that behalfe craftily & subtilly to defraud and deceiue, did not onely, not deliuer vnto the sayd complainant the sayd sheep, nor any of them, according to his said faithfull promise and assumption, but contrariwise did take and conuert a great part of them to his owne proper vse, selling some of them to diuers persons to the said compl. vnknowne, for diuers sums of money, conuerting the same to his vse, and killing sundrie others of them in his house, and died possessed of the residue of the said sheepe, as in the said Bill is vntruely and vncharitably alleaged against the sayd G.C. being now dead. For this defendant verily doth thinke and imagine in his conscience, if such sheepe were deliuered to the said G.C. to bee kept and deliuered as is aforesaid, that then the said G. did in his life time well and truely deliuer the aforesaid sheepe accordingly: without that, that after the death and departure of the foresaid G.C. the possession of the said residue of the said fiue score and one Ewes, and fiue score and one Lambs, being but the full number of foure score Ewes, and three score Lambs, worth thirtie pounds and aboue, came to the hands and possession of the said R.C. now defendant, who imagining, and fraudulently intending the said complainant in that behalfe craftily & subtilly of the said sheepe to defraud, and deceiue, hath in like manner sold most part of the said Ewes and Lambs so come to his hands and possession, to sundry persons to the said complainant vnknowne, for diuers summes of money betweene them therefore agreed vpon, and the money thereof arising, hath conuerted to his onely vse and behoofe, as in the said bill of complaint is verie falsly surmised, set forth, and alleaged. And without that, that any other matter or thing in the said bill materiall, to be answered vnto, and in this answere not sufficiently answered, confessed, and auoided, trauersed, or denied, is true. All which matters, &c. and prayeth, &c.

The Replication of W.P. Complainant, to the answer of R.C. Defendant.

Sect. 89. The said complainant for replication sayth in all and euerie thing and things, as he in the said bill of complaint hath said, and doth and will auerre, iustifie, maintaine, and proue his said bill of complaint in all and euery matter, thing, and things therein contained to be good, iust, and true, certain, and sufficient in the law to bee answered vnto by the said defendant in such manner and forme, as they bee in the same most truely set forth and declared, & not enuiously deuised, nor vnconscionably contriued, imagined, and set forth, onely of purpose to vex and molest this defendant vniustly, and to put him to great trauell, expenses, and charges of suit, and that without any iust cause, or good matter

as

as in the said answer it is by the said def. vntruly surmised. And this compl. further saith, that the said answer of the said defend. is very incertaine, vntrue, and insufficient in the law to be replied vnto by this complainant, for diuers apparent faults and imperfections therein contained, And namely in this, that the said complainant, beeing in and by the said bill of complaint, charged to haue had in his hands and possession, diuers of the said sheep, in the said bill mentioned, doth in his said answer neither confesse nor denie the hauing thereof, as by the said answer it appeareth, so that in reason he ought to be compelled by the order of this honourable Court, to make a better and more certaine and perfect answer vnto the said Bill of complaint, Neuertheless, this defendant saying vnto himselfe, at all times hereafter, all aduantage of exceptions to the manifest incertaintie and insufficiencie of the sayd answer, for further replication thereunto, also further saith, That the said consideration in the said bill of complaint contained, is very sufficient to maintaine the said suit in this honorable Court, albeit that no other thing had been departed with, on the part of this Complainant, but onely the credit and deliuerie of the said sheepe, vnto the hands of the said G.C. and yet this Complainant hopeth to proone, that there was giuen vnto the said G.C. for and on the behalfe of the said Compl. very good matter of consideration for keeping and conueying of the said sheepe, as in the said bill is alleaged. And further this replicant doth, and will also auerre and proue, that diuers of the said sheepe since the death of the said G.C. haue come to the hands and possession of the said defend. which haue been vnlawfully conuerted to his owne vse, against all right, equity, and good conscience, without that, that any other matter, thing, or things, clause, sentence, article, or allegation in the said answer contained materiall or effectuall in the law, to bee replied vnto by this compl. and not herein before in this his replication sufficiently replied vnto, confessed and auoyded, denied or trauersed, is true. All which matters this compl. is readie to auer and proue as this honourable Court shal award. And prayeth as he in his said bill hath prayed.

A Bill for a debt vpon a contract without witnesse.

IN most humble wise complaining, sheweth vnto your Hon. your poore and daily orator T.B. of C. in the County of Derby Mercer, That whereas about two yeres now past, one T.G. of B. in the Countie of P. Gentleman, bought of your said Orator twelue yards of Linnen cloth, price 11 s. and diuers other wares and merchandises amounting in the whole to the value of twentie markes, or thereabouts, for payment whereof the said T.G. earnestly required your said Orator to forbeare him the said T.G. for y space of a month or therabout, then next. Sect. 902.

nert followeth. And for the said T.G. did then faithfully assume and promise to pay the said debt, vnto your said Orator at the moneths end, your said Orator trusting to his bare promise, deliuered vnto the said T.G. the said Cloth, wares, and merchandises, without taking any specialtie, or other securitie for payment of the aforesaid money. Now so it is, if it may please your honorable L. that the said T.G. perceiuing that your said Orator can by no order of the common Lawes of this Realme recouer the said monis, for want of specialtie or witnesses to proue the said assumption and contract, beeing very lately by your said Orator requested to pay the said money according to his sayd promise, yet neuertheless the said T.G. hath plainly affirmed and answered, that your said Orator shall not haue one peny thereof, which if it should so passe without reliefe of your Orator herein, would turne to the great impouerishment and dammage of your said orator, who hath ouer many such debtors. In consideration whereof, the premisses tenderly considered, and for as much as your said Orator is without al remedie for the recouerie of the same by the strict order of the comon lawes of this Realme, for want of specialtie or witnesse, as aforesaid: May it therefore please, &c.

The Answer and demurrer of the same.

Sect. 91. THe said Defendant saith, that the said Bill of Complaint is verie vncertaine, vntrue, and insufficient in the Law to bee answered vnto by this Def. for diuers apparent matters and causes therein contained, denised, and exhibited into this honourable Court, as this Def. verily thinketh, by the sinister aduice and perswasion of M.C. Attourney at the common law, of malice and euill will, to the intent to put this def. to vniust trouble and vexation, That he the said M. C. may thereby gaine, by soliciting of this said matter in this Honourable Court, and not vpon any iust cause so to doe. And further saith the said def. That if the said matters mentioned in the said Bill of Complaint were true, as they be not indeed, yet were the same determinable, and to be determined, at, and by the Common lawes of this Realme, and not by this honorable Court, whereunto this defendant prayeth to bee dismissed with his reasonable costs and charges wrongfully sustayned hereabouts. Neuertheless, if hee this defendant bee compelled by this Honourable Court to make any further answer vnto the said vncertaine, vntrue, and insufficient bill of Complaint, Then (and not otherwaies) the aduantage of exception, to the manifest incertaintie and insufficiencie of the said Bill of Complaint to this defendant alwayes saued: For further answer thereunto, and for a full and plaine Declaration of the truth, touching the materiall contents of the sayd Bill

of

of complaint (if any ſuch be) he this defendants ſaith, That true it is indéed, that about thrée yeares now laſt paſt, This ſayd defendant or ſome of his ſeruants to his vſe, did receiue of this complainant twelue yards of linnen cloth, halfe an ell of cloth, one quarter and an halfe of cloth, and two ſkaines of thréd, which he thinketh to be parcell of the ſaid wares in the ſaid bill mentioned, & ſuppoſed to be bought by this defendant of the ſaid complainant, which ſaid wares were ſo receiued by this defendant or to his vſe, as is aforeſaid, to the intent that this defendant ſhould pay to the ſaid complainant, ſo much money for the ſame as ſhould bee reaſonably agréed vpon by this defendant, and the ſaid complainant, which ſaid bargaine and agreement, this defendant is, and euer hitherto hath bin readie to haue performed, without that, that the ſaid defendant about two yeares now laſt paſt, did buy of the ſaid complainant, the ſaid twelue yards of linnen cloth, at, and for the ſaid price of 22.s. or the ſaid halfe ell of cloth for the ſaid price of v.s. viij.d. or the ſaid quarter and a halfe of other cloth, and two ſkaines of thrèd for the ſaid price of xviij.d. for hee this defendant ſaith, that hée and this complainant did neuer to his remembrance agrée to any certaine price for the ſaid wares, as in the ſayd bill of complaint is vntruly alledged. And without that, that he this defendant did euer buy of this complainant the ſaid tenne yards of veluet, or any part thereof, or any other wares or marchandiſes amounting in the whole to twentie markes, or for the payment thereof, euer required the ſaid complainant to forbeare him the ſayd defendant for the ſpace of one moneth then next following, as in the ſaid bill is wrongfully alledged. And without that, that he this defendant did faithfully aſſent and promiſe to pay the ſaid debt vnto the ſaid complainant at the ſaid moneths end. Or that the ſaid complainant, truſting the bare promiſe of this defendant deliuered vnto him this defendant, the ſayd cloth wares, veluet, and marchandiſe, as in the ſaid bill is vntruely alledged. And without that, that hee this defendant perceiuing that this complainant can by no order of the common lawes of this realme, recouer any part of the ſayd money, for want of ſpecialtie or witneſſe to proue the ſaid ſuppoſed aſſumption and contract, hath plainely affirmed, that hee the ſayd complainant ſhall not haue one peny thereof in ſuch manner and forme as in the ſaid bill of complaint is moſt vntruely and ſlanderouſly alledged, without that, that any other matter &c. thing, things, clauſe, ſentence, article, or allegation, in the ſaid bill of complaint contained, materiall or effectuall in the law to be anſwered vnto by this defendant, and not &c.

A Bill to be discharged of sundrie bonds made by the Plaintifes to diuers by the def. meanes, vpon promise that they should not preiudice them, laying open diuers cunning and lewd practises, to circumuent the Plaintife.

HUmbly complaining, sheweth vnto your honorable Lo. your daily Orator I. P. of P. in the Countie of P. yeoman, That whereas about 16 yeares now last past, certain debts, controuersies, suits, & variances did arise betweene one T. L. of E. in the County of P. yeoman, and your said Orator, and certaine other freeholders of the Lordship of Eccleshall aforesaid, concerning ỹ inclosing, vse, possession, & occupation of certaine parcels of waste or common ground called R. in E. aforesaid, wherein your said orator & other freeholders, and all those whose estate they then had, and yet haue in certaine lands in the said Lo. by all the time, whereof there is no memorie of man to the contrarie, haue vsed to haue common of pasture for their beasts and cattell, vpon ỹ said lands leuant & couchant at all times of the yeare, at their wils and pleasures, as vnto their tenements belonging, which parcels of waste ground one N. S. Esquire, before that time had demised vnto the said T. L. for certaine yeares then enduring: for pacifying & ending of which said suits and controuersies, and of such suits and controuersies as were then betweene the said L. and S. touching the same and other things, your said orator and T. D. and other of the freeholders aforesaid, and the said L. by the meanes & intreatie of the said N. S. about the said time did submit themselues to ỹ order, arbitrement, & award of I. F. R. P. T. W. and E. H. touching the said controuersies, & to the end that the said L. would be contented that the said suits betwæn him & the said S. might rather by that meanes receiue a quiet end, than by extremitie of Law, there being then great suits betweene the said N. S. and L. which the said L. would not otherwise compromit, your said orator & the said D. was bound vnto the said L. in one obligation of C. li. and vnto the said N. S. in one other oblig. of C. li. for performance of the said award, the said N. S. then promising to your said D. that within short time after the making of the said bond vnto him, he would haue cancelled, or made void the said bond of C. li. made by them vnto the said N. S. the meaning of which bond, your said orator (being a simple vnlearned man) thought to haue reached no further, but to acts to haue beene done by himselfe against the said award, which he the rather so thought, because the said N. S. told him so, or to that effect, and they were onely so agreed to haue the condition thereof made before the making thereof. And the said L. was also bound in C. li. vnto your said Orator, and the said D.

for

for the perfoꝛmance of this part of the ſaid award, And afterwards, viz. about the 11 yeare of the raigne of the Qu. Maieſtie that now is, the ſaid arbitratoꝛs made an award of the pꝛemiſſes, that the ſaid L. ſhould haue incloſed the ſaid grounds, during ſuch terme as hee then had therein by the demiſe of the ſaid M. S. by Indenture without veꝛation of your ſaid Dꝛatoꝛ the ſaid T.D. and other freeholders of the ſaid Co. of C. by meanes of which award the ſaid L. enioyed the pꝛemiſſes euer ſince the making thereof accoꝛdingly, without any veration of the ſaid D. oꝛ your ſaid Dꝛatour, oꝛ any other the Freeholders of C. afoꝛeſaid, vntill ſuch time as the ſaid L. cauſed the ſaid pꝛemiſſes to bee purchaſed oꝛ taken by leaſe, as lands concealed and vniuſtly withholden from her Maieſtie, and thereupon cauſed ſuits to be commenced againſt diuers of the ſaid freeholders by infoꝛmation in the Ex. of intruſion ſuppoſed to be done by them into the ſaid pꝛemiſſes, which ſuit ſo long continued, that a verdict and iudgement therein were had foꝛ the ſaid Freeholders, whereby their title to the ſaid common being then in iſſue, was ſpecially found, as by the recoꝛds thereof remaining in the ſaid Court it plainely appeareth, whereupon ſome of the ſaid Freeholders (as this compl. thinketh) entred into the ſaid pꝛemiſſes beeing vnfenced. And thereupon the ſaid L. commenced ſuit vpon the ſaid Bond of 100 li. againſt your ſaid Dꝛatour and the ſaid D. albeit they neuer interrupted his poſſeſſion in the ſaid pꝛemiſſes, and the ſayd D. and your ſaid Dꝛatour foꝛ their indempnitie likewiſe pꝛoſecuted ſuit vpon their Bond of 100 li. becauſe the ſaid L. in his part had not perfoꝛmed the ſaid award, by meanes whereof your ſaid Dꝛatoꝛ, and the ſayd D. obtayned a verdict and iudgement againſt the ſaid L. foꝛ the ſaid C. li. L. his ſaid ſuit againſt them depending vntried, whereupon the ſaid L. ſeeing how vniuſtly he had dealt with the ſaid D. and your ſaid Dꝛatoꝛ about the pꝛemiſſes, perceiuing in what ieopardie he ſtood, and how inequitie he ought not to haue recouered any thing againſt your ſaid Dꝛatoꝛ and the ſaid D. by his ſaid bond, noꝛ haue had any reliefe foꝛ the ſaid C. li. ſo by them recouered againſt him, he the ſaid L. mooued your ſayd Dꝛatoꝛ and the ſaid D. by ſundꝛie meanes to come to agreement with him foꝛ the ſaid C. li. ſo recouered againſt him, wherenpon the ſayde D. and your ſaid Dꝛatoꝛ intending a generall quietneſſe foꝛ all Bonds and matters concerning the ſaid pꝛemiſſes, at the great and impoꝛtant ſuit of the ſaid L. and by the mediation of certaine honeſt men their friends, vpon the faithful pꝛomiſe of the ſaid L. that he the ſaid L. would warrãt him your ſaid Dꝛatoꝛ againſt the ſaid M. S. foꝛ his ſaid Bond of 100 pounds, alleaging that M. S. had no cauſe to ſue the ſame, and that if he had, yet becauſe the matter of the ſaid Bond pꝛincipally concerned him the ſaid L. (as it did indeed) that if your ſaid Dꝛatour agreed with

him

him for the premisses, that then the said N.S neither could nor would hurt him by reason of his said bond, the said iudgment for the sayd C.li. was released vnto the said L. by your said Orator hauing none other consideration therefore, then his said promise of quietnes and discharge of the said N.S. his said bond. Neuertheleſſe, not long after the saide agreement, the said L. perceiuing himselfe to be discharged of the said iudgement, and intending the vtter vndoing of your said Orator, contrary to his said promise, practised with the said N.S. touching the said bond by him and the said D. made vnto the said S. & procured the same to be put in suit against them in the M. Maieſties bench. Albeit the said N.S. had neuer any losse by reason of any act don against the said bond to the value of one peny, since which suit, the said N.S. and D. haue secretly growne to agreement betweene themselues, to the intent to lay the whole penaltie of the said bond vpon your said Orator, Notwithstanding the said faithful promise of the said N.S. to deliuer in the sayd bond to be cancelled, and the said L. his promise was to saue your sayd Orator harmeleſſe against the said N.S. for the same. Albeit the sayd N.S. neuer had any losse or hinderance by reason of the premisses, by meanes of your said Orator, neither was any thing attempted or done by the said Freeholders against the said L. contrarie to the said award, otherwise than by the consent of the said N.S. who moued or procured the said Freeholders to enter in bond one to another, to beare the charges of suits for the defence of their said title of common in the said seuerall parcells of ground called R. and T. promising them his ayde and furtherance therein, vnto some of which bonds the said N.S. hath subscribed his owne name as a witneſſe of the deliuerie thereof, which their hard dealings against your said orator in the premisses, are much against all right, equitie, and conscience, to the vtter impouerishment and vndoing of your said Orator, his poore wife and children, wherefore the premisses gratiously considered, and for as much as, aswell the said premisses and agreements of the said N.S. with your said orator, and the said D. and the said practise had betweene the said N.S. and the said L. to put the said bond in suit, as also the said agreement made by the said N.S. and the said D. for staying of his said suit against the sayd D. and also the said promise and agreement of the said L. to saue your said Orator harmeleſſe against the said N.S. for the said bond was secretly made amongst themselues, and for that your said orator trusting that they would faithfully haue performed the same to your said Orator, called no witneſſe to be present to heare the same promise made, and therefore is not able to produce any witneſſe to testifie the premisses, nor hath any meanes to proue the same, otherwise than by the answers of the said N.S. and T. L. who he verely thinketh will in their

answers

answers to the premisses confesse the same: May it therefore please your Lordship, of your accustomed goodnesse, to grant vnto your said Orator the Q. Maiesties most gratious writ of Subpœna, to bee directed to the said R. H. and T. L. and to either of them, thereby commanding the, &c.

A Bill for practising with the Plaintifes wife, to receiue of her the Plaintifes goods, and for receit and detaining thereof.

HVmbly complaining, sheweth vnto your good Lordshippe, your daily Orator I. J. of S. in the Countie of M. Gentl. That whereas, about foure or fiue yeares past, your Orator being possessed of diuers goods, and diuers summes of monie, to a great value, to the end that C. C. of W. in the said County of M. M. his wife, and A. their daughter, now the wife of I. P. of P. in the said Countie Yeoman might the better bring to passe, indirectly to gaine and get into their or some of their custodies and possession, all, or the most part of the said mony and goods, and by that meanes defraud or defeat your Orator thereof, by continuall sinister practise, instigation, & persuasion, then allured, procuked, and inticed A. J. deceased, being then your Orators wife, to grow to some discord and variance with him, and to essoin and conuey into their, or some of their keeping, all, or the most part of the sayd mony or goods, promising that the same should be redie, and vsed for her ble and behoofe: Now so it is, if it may please your said good L. that by the said lewd and bad practises of the said C. M. and A. P. and of diuers other persons by their means, whose names your Orator knoweth not, your Orators said wife about foure or fiue yeares since, and at sundrie times before, did with violence breake open some part of your Orators house at S. aforesaid, his chists there being locked, and did essoine, steale, imbesill, or conuey away from your orator seuerall summes of money, and diuers parcels of his goods and houshould stuffe, as well in the night season, as in the day time, to a very great value, the certaintie whereof your said Orator knoweth not, but is induced by good reason to beleue that it doth amount to the summe of 100 li. at the least, and deliuered, or caused the same to be deliuered vnto the custodie and possession of the said C. C. and M. his wife, or A. his daughter, or of some o her person or persons, by their, or some of their meanes or consents, whereat your Orator by some good meanes hauing had intelligence, hath sundrie times vsed speech and communication with the said C. M. and A. P. touching the same, and in most gentle and friendly manner required to haue the said money and goods so essoined and imbesilled, as aforesaid to be to him restored, or else to haue same recompence for the same, but they haue vtterly re-

Sect. 93.

fuldo to doe either the one or the other, and do still refuse to do the same, and do conuert and dispose the said mony and goods to their owne vses, whereby your Orator shal be vtterly thereof defeated, to his great hinderance and impouerishment, contrary to all equitie and good conscience, vnlesse by your L. fauor he may be releiued in this most honourable court. For asmuch therefore as your Orator knoweth not the names or number of the said confederates, nor the seuerall and certaine times wherein the said mony and goods were conueyed away from him, as aforesaid, nor the quantitie, nature, or value of them, whereby to make any lawfull demand, or to vse any action by the strict course of the common lawes of this realme, against them the said C. P. and A. P. or any other of their confederats, for these great iniuries and wrongs, as aforesaid, but that the truth and certaintie of all these matters doe rest in the priuat & proper notice of the said C. C. and M. his wife, & A. their daughter, or of some one of them, who no doubt vpon their corporall othes will disclose and set downe the truth and certainty of all these matters: May it therefore please your honorable L. to grant vnto your Orator the Q. Maiesties gratious writ of Subpæna to be directed, &c.

The Answer to the same.

Sect. 94. The said defendants say, that the said bill of complaint against them exhibited into this honourable Court, is very incertaine, vntrue, and insufficient in the law to be answered vnto by the said defendants, or any of them, for diuers and sundrie apparent faults and imperfections therein contained and deuised, and exhibited into this h. court, partly of malice and euill will, without iust cause conceiued against the said C. C. one of these defendants, to the intent thereby to vex and molest him, and his said wife and daughter, with vniust trauell and expences, but chiefely to the intent and purpose, to wearie, impouerish, & terrifie him this def. with such suits, so that he shall neither be able nor willing to prosecute the law against him the said complainant, for diuers great summes of money which he oweth vnto him the said C. C. this defend. and vniustly detaineth from him, and not for any good or iust cause of suit: neuertheless, if by the order of this honorable court these defend. shall bee inforced to make any further or other answer to the said incertaine, vntrue, and insufficient bill of complaint, then, & not otherwise, all aduantage of exception, to the manifest incertainty and insufficiencie of the said bill of compl. to these defendants, and euery of them, at all and euery time and times hereafter saued. For further answer thereunto, and for a full and plain declaration of the truth of the premisses, These def. say, and euery one of them saith, that neither they, nor any

of

of themby continuall and further practise, instigation, and persuasion, did not at any time allure, provoke, & intice A. F. deceased, then wife of the said complainant, to grow to some discord with the saide complainant, and to esloine and conuey into their or any of their keeping, all or any of the said money and goods, in the said Bill of Complaint mentioned, promising that the same should be readie, and vsed for her vse and behoofe, to the end that they these def. or any of them, might the better bring to passe indirectly to gaine or get into their custodie and possession, all or the most part of the said mony and goods, and by that means to defeat and defraud the said complainants thereof, as in the said bil of complaint is verie slanderously and most untruely alledged: And these def. further say, and euery of them saith, that the said late wife of the said complainant did neuer with violence breake open some part of the said complainants said house at S. in the said Will mentioned, nor his said chist there being locked, nor did eslone, imbesile, or conuey away from the said complainant, severall, or any sum or sums of mony, and diuers, or any parcell of his goods or houshold stuffe, either in the night season or in the day time, by practise of these def. or of any of them, or of any other person or persons, by their or any of their meanes as in the said Bill of Complaint is likewise verie maliciously and untruely surmised, without that, that the said wife of the said complainant euer deliuered, or caused to be deliuered the said mony and goods in the said Bill of Complaint mentioned, or any part thereof, vnto the custodie and possession of these def. or of some of them, or of any other person or persons, by their or some of their meanes or consents, as in the said Bill of Complaint is also vntruely alledged: and without that, that euer there was any cause why the said complainant did, or should vse any such speech and communication with these def. or any of them touching the premisses, or require to haue the sayd money and goodes supposed to be eslоined or imbesilled, to be to him restored, or to haue some recompence for the same, or that these def. or any of them, do conuert and dispose of the said money and goods, or any part thereof, to their or any of their owne vses, whereby the said complainant shall be vtterly thereof defeated, to his great hinderance and impouerishment contrarie to all right, equite, and good conscience, as in the said Bill of Complaint is likewise vntruely suggested: and without that, that any other matter, thing or things, clause, sentence, article, or allegation, in the sayd Bill of Complaint contained, materiall or effectuall in the law to be answered vnto, by these def. or any of them, and not here in this their answeres sufficiently answered vnto, confessed, and auoided, denied or trauersed, is true, All which matters, &c.

Sect. 95.

The Replication to the Defend. next before.

THe sayd complainant for and by way of replication saith, that his said bill of complaint exhibited against these defendants into this most honorable Court, is verie certaine, true, and sufficient in the Law to be answered vnto, and not deuised and exhibited into this most hon. Court, of malice and euill will, without cause conceiued against the sayd C. C. one of the said def. to the intent thereby to vexe and molest him, his sayd wife and daughter with vniust trauell and expences, as in the said answeres is vntruely alleaged. Nor chiefely to the intent and purpose so to weary and impouerish and terrifie the sayd C. C. with such suits, that hee should neither be able nor willing to prosecute the Law against the said complainant, for diuers great summes of money, which he doth owe vnto him the sayd C. C. and vniustly detaineth from him, but it is exhibited vpon iust cause of suit, as the said complainant doubteth not to make manifest, and prooue vnto this hon. Court, saith that, that the said def. or some one of them, by sinister practise, sollicitation, and persuasion did alure, prouoke, and intice the sayd compl. wife to grow to some discord with the sayd compl. and to eloine and conuey into their, or some, or one of their keepings the said mony and goods, in the sayd bill of complaint mentioned, promising that the same should be ready, and vsed for her vse and behoofe, to the end that they might the better bring to passe, and thereby to gaine or get into their, or some or one of their custody and possession the sayd money & goods, and by that meanes to defeate and defraud the sayd compl. thereof, as in the said bil of complaint is verie truly alleaged. And also with that, that the sayd compl. wife did with violence breake open some part of the said compl. house at S. in the sayd bil mentioned, and his said chist there being locked, did eloine, steale, imbeasile, & conuey away from the said compl. seuerall sums of mony, and diuers parcells of his goods and household stuffe in the night season, and in the day time, by the practise of the sayd def. or some, or one of them, or of some other person or persons, by their or some or one of their meanes, as in the same bill of complaint in likewise very truly declared: and with that, that the sayd compl. wife did deliuer or cause to be deliuered the sayd mony and goods in the sayd bil of complaint mentioned, vnto the custodie and possession of the sayd def. or of some or one of them, or of some other person or persons, by their, or some or one of their meanes or consent, as likewise in the sayd bill of complaint is most truly alleaged: and without that, that there was cause why the said compl. should vse speech and communication with the sayd def. or some or one of them touching the premisses, and require to haue the said mony and goods eloined and imbeasled, to be to him restored, or to haue some recompence for the same. And that the

sayd

ſaid defendants, or ſome, or one of them doe conuert and diſpoſe the ſayd money and goods, to their, or ſome, or one of their vſes, whereby the ſaid compl. ſhall be vtterly defeated thereof, to his great hinderance, as in the ſayd bill of complaint is likewiſe moſt truly alleaged: without that, that any other matter, cauſe, or thing, materiall or effectuall in the ſayd anſweres contained, to be by the ſayd complainant replyed vnto, and herein not ſufficiently replied vnto, confeſſed, and auoided, &c.

A Bill for that the defendants haue got the Plaintifes bill for payment of money by them into their hands, and thereby meane to defraude him of the ſame.

HVmbly complaining, ſheweth vnto your good L. your dayly Orator N.T. of T. in the County of D. yeoman, That whereas about two yeares now laſt paſt, your ſaid Orator did ſell vnto one I. Y. G.W. P.T. alias S. and R.Y. foure oxen & three kine, for foureteene pounds of lawfull Engliſh money: and at the ſame time made vnto your ſayd Orator a bill of their hands for the payment thereof, at the feaſt of S. Michaell the archangell laſt paſt. But now ſo it is, if it may pleaſe your Lordſhip, ỳ the ſaid bill of 14.li. is by cauſuall meanes come vnto the hands & poſſeſſion of the ſaid I.Y.G.W.P.T. alias S. and R.Y. or of ſome of them, who haue cancelled and defaced the ſame bill. And therefore, albeit they haue bæne diuers times gently required by your ſaid Orator to pay vnto him the ſaid 14.li. ſo to him due, yet that to doe, they and euery of them haue hitherto denied and refuſed, & yet doe deny & refuſe to doe the ſame, againſt all right, equity, & good conſcience. In due conſideration whereof, & for that your ſaid Orator hath no remedy to recouer the ſaid 14.li. without the ſaid bill, by the common lawes of this Realme: May it therefore pleaſe your good Lordſhip, &c. Sect. 96.

A Bill for wrongfull entring into Copyhold lands intailed, detaining of them, and of the writings of the ſame, for waſting the ſame, and contriuing ſecret eſtates thereof.

IN moſt humble wiſe ſheweth vnto your good Lo. your dayly Orator A.G. of D. in the countie of D. That whereas one T. G. Father vnto your ſaid Orator, was in his life time lawfully ſeiſed in his demeſne as of fee taile, to him, and to his heires males of his body lawfully begotten, of, & in one meſuage or tenement with the appurtenances, ſcituate, lying, and being in W. in the ſaid county of D. And was likewiſe ſeiſed to him and the heires males of his body lawfully begotten, of, and in foure cottages, three cloſes or paſtures, and eight acres of arrable Sect. 97.

arrable land with thole appurtenances, lying and being in W. aforesaid, being customarie lands, and holden of the M. Maieſtie, as of her Highneſſe manno2 of W. aforesaid, at the will of the Lo2d, acco2ding to the custome of the said Mano2: and the said T. G. beeing of all and singular the p2emisses, with their and euery of their appurtenances so seised, as afo2esaid, of such estate died thereof seised. By and after whose death al and singular the p2emisses, with their appurtenances, did discend vnto H. G. his son, and nert heire male of the bodie of the said T. by fo2ce and vertue wherof, the said H. entred into all and singuler the said p2emisses w̄ their appurtenances, & was thereof lawfully seised to him and the heires males of his bodie lawfully begotten. And he so being thereof seised, of such an estate died seised: by and after whose death, all and singuler the saydp2emisses, with their appurtenances, did discend and come to T. G. as sonne, and nert heire male of the bodie of the said H. by fo2ce whereof, he the said T. entred into al and singuler the said p2emisses, and was thereof lawfully seised in his demesne as of fée taile, to him and the heires males of his bodie lawfully begotten. And he the said T. so being thereof seised, of such an estate died seised, without any Issue male of his body: by and after death, all and singuler the said p2emisses, with their appurtenances, did discend and come to your said O2ato2, as b2other, and nert heire of the said T. G. But now so it is, if it may please your good L. that aswell the said deed of intaile, and al other the Deedes, Euidences, Escripts, Writings, & muniments, manifesting, fo2feiting, defending, & p2oning the estate, right, interest, and title of your said o2ato2, of, in, & to the said p2emisses, are by some casuall, o2 sinister meanes comen into the hands, custody, o2 possession, of one R. W. and E. his wife, T. C. and A. his wife, I. D. and I. W. o2 some of them, who by colour hereof haue entred into the said p2emisses, & receiued, perceiued, and taken, the issues, p2offits, and commoditie thereof, & conuerted the same to their owne p2oper vses & behoofes, without yéelding any consideration o2 recompence to your said o2ato2 fo2 the same. And yet not so contented, but they the said R. E. T. A. I. and I. by colo2 of hauing the said deeds, euidences, escripts, writings, and conueiances, haue not onely made great strep, and wast of the p2emisses, but also contrined and made to themselues, and to other persons vnknowne to your said o2ato2, diuers & sundry secret estates & muniments of the p2emisses, to the plaine disinhersion of your said D. contrary to all right, equitie, and good conscience. And although your said D. hath diuers and sundry times by himselfe & his friends requested the said R. W. and E. his wife, T. C. and A. his wife, I. D. and I. W. and euery of thē to yéeld vp the quiet possession of the p2emisses, and to deliuer vnto your sayde o2ato2 the said deeds, euidences, escripts, writings, and muniments,

yet

yet they and euerie of them, ſo to doe, haue vtterly refuſed & denied and ſtill doe denie and refuſe, contrarie to all right, equitie, and good conſcience. In tender conſideration whereof, & forasmuch as your ſaid Orator knoweth not the the contents nor certaine dates of the ſaid dēdes, euidences, eſcripts, writings, and muniments, nor whether they bee contained in bagge or boxe ſealed, in cheſt or cupboord locked. And therfore is at, and by the ſtrict courſe of the common Law of this Realme remedileſſe for the recouerie of the ſame. May it therefore &c.

A Bill for detaining of an Indenture of leaſe for yeares.

HUmbly complaining, ſheweth vnto your hon. L. your dayly orator I.B. of M. in the parish of A. in the county of Y. Eſq. & T.B. ſon and heire apparant of the ſaid I. That whereas your ſaid orator the 2. day of Iuly, in the 8. yere of the raigne of our Soueraign Lady the M. Maieſtie that now is, did demiſe and to farme let vnto one R.Y. of B. in the ſaid countie Yeoman, all his moitie, or one halfe of his meſſuage or tenement called D. with all the lands, meadows, cloſes, paſtures, & commons vnto the ſame belonging, or in any wiſe appertaining, from the feaſt of S.M. the Biſhop laſt paſt, before the date aboue ſaid, vnto the full end & terme of xviij. yeares then next enſuig, fully to bee compleat and ended. By vertue of which demiſe aforeſaid, R.Y. into the meſuage or tenement aforeſaid, did enter, as was lawfull for him to do. And now ſithence the making of the leaſe aforeſaid, the ſaid R.Y. did often repaire and come to the houſe of the ſaid I.B. & by that meanes in ſhort time became verie familiar with the ſayd I. inſomuch that he the ſaid I. being aged, and by reaſon thereof alſo lyeth bed-riden, and hath done for the ſpace of many yeres. And finding the ſaid Y. to be very diligent and carefull about him the ſaid I. for the recouerie of his health did ſo affect the ſaid Y. as that he did wholly commit the cuſtodie and képing of all his euidences, leaſes, bonds, and bils, amongſt which the counterpain of the ſaid Y. his leaſe was. And vnleſſe the ſaid Y. together with ſome of your orators ſeruants haue ſecretly conueyed and taken it away, as your ſaid orator doth vehemently ſuſpect, in that hee wanteth the ſame leaſe: by reaſon whereof he neither knoweth what conditions are contained in the ſame, neither what penaltie, if the rent be behind, or whether there be any diſtreſſe for not payment of the rent or elſe whether the leaſe bee vtterly voyd, if the rent be not paied at a certaine day, and what other couenants it containeth for prohibiting of waſt to bee done, as alſo for repairing of the meſuage or tenement aforeſaid with needfull reparations, with diuers other couenants to many good purpoſes ſpecified in the ſame leaſe. And for that alſo that Sect. 98.

the saide counterpaine is by some such indirect meanes as before is alleaged, come to the hands of the said P. as also for that your Oratour through want thereof by the strict course of the common Lawes of this Land cannot duely punish the breach of all, or any the couenants therein expressed, which on the said P. his part ought to haue bēn performed and kept, for want of the said counterpaine. May it therefore please your good Lordship, &c.

A Bill for money for boording with one, whose executor the plaintife is.

Sect. 99. HUmbly complaining, sheweth vnto your H. Lordship, your daily Orator O.C. of B. in the Countie of D. Yeoman, executor of the last Will and Testament of O.C. his father. That whereas about the first day of June, which was in the 18 yeare of the raigne of our most gratious soueraigne Lady the O. most excellent Maiestie that now is one W.S. of P. in the said Countie Yeoman, at B. aforesaid, did put himselfe and A. then his wife to bord with the said O.C. the testator, and there to remaine so long with the said testator, as it should please both the said parties, and the said W S. in consideration thereof, there faithfully agreed to pay and satisfie for the same vnto the said O.C. the testator or his executors, during such time as he and his said wife should remaine at bord with the said testator, so much lawfull English mony as the said bording should be reasonably worth and at such time as hee should be thereunto required. By vertue of which putting to bord, at greement, and faithfull promise, the said W. and A. his wife were at bord with the said testator by the space of three whole yeares, or thereabouts, during all which time the sayde testator at his owne costs and charges did find vnto the sayd W. and A. conuenient and necessarie meat, drinke, and lodging, and at sundrie times hay and grasse for the horses of the sayd W. which bording, hay, and grasse, by the said space of three yeares aforesaid, was reasonably worth 40. li. at least. Yet the sayd W. not ignorant of the premisses, nor regarding his said faithfull agreement and promise, but imagining and fraudulently intending the said O. C. the testator, and your said orator his executor in this behalfe craftily and deceitfully to deceiue and defraud: albeit hee hath bin oftentimes thereunto gently required by the said testatour in his life time, and by your saide Oratour his executour after his death, hath not payd or satisfied any thing vnto the sayd testatour in his life time, nor vnto your said Oratour after his decease for the same bording, meat, drinke, and lodging during the aforesayd time, that hee and his said wife so remained at bord with the said testator according to his sayd faithfull promise and agreement, but hath euer hitherto denied and refused therefore to satisfie and pay the sayd Testatour in his life time, and your said Orator after his death, and yet doth deny and

refuse

refuse to pay and satisfie your said Orator for the same, against all right, equite, and good conscience, and to the hinderance of the execution of the said last will and Testament of the said Testator. In consideration whereof, and forasmuch as your sayd Orator hath none ordinarie remedy to recouer any thing for the sayd boording, and premisses by the strict course of the common Lawes of this our Realme of England, aswell for that it was not certainely agreed vpon betweén the said W. and the sayd testator, how much the said W. should yeeld for the same: as also for that the said testator did so much credit the said W. that the said promise and agreement was priuately made betweene themselues, no person being thereunto called that might witnesse the same, so that if happily the said W. will not vpon his oath in his answere hereunto in this honorable Court, confesse the said promise and agreement, as your said Orator verily thinketh he will, your said Orator is vtterly destitute of witnesses to make proofe thereof. Albeit that it bee most true, that the said agreement and promise, was made and agreed vpon, as is aforesaid, which your said orator hath sundrie times heard the said testator say and declare: may it please your good Lordship to grant vnto your said orator, &c.

A Bill for not entring into bond to saue a suretie harmelesse, according to promise.

IN most humble wise complaining, sheweth vnto your Honour your dayly Orator R.P. of W. in the Countie of S. yeoman, that whereas one F.L. of S. in the said countie of S. yeoman, did borrowe of one A.B. of S. in the said Countie of S. gentleman, the sum of 17.li.12.s. of good and lawfull money of England, to and for the onely vse of him the said F.L. and of one R.L. of B. in the said Countie of S. Yeoman, kinsman to the aforesaid F.L. and for the true discharging and paiment of the foresaid sum of 17.l.12.s. because the said R.L. was a man esteemed to be of verie small credit, and altogether vnknowne vnto the said A.B. therefore the foresaid R.L. earnestly requested and desired of your said Orator, being his neere neighbour, and of very long acquaintance and familiaritie with him, to enter into bond with him the sayde F.L. to the said A.B. for the true payment, and satisfaction of the foresaid sum of 17.li.12.s. and if in case your said Orator would enter into bond for him, then hee the said R.L. did faithfully promise and affirme vnto your sayd Orator to enter into a counterbond of double value to his bond vnto your sayde Orator to discharge, and saue him harmeleſſe against the said A.B. his executors and administrators, of, and from all maner of actions, suits, arrests, quarrels, troubles, molestations, Sect. 100.

ſtations, and incumbrances whatſoeuer, which ſhould or might ariſe by reaſon or meanes of the ſaid obligation: whereupon your foreſayde Orator (conſidering the great want and neede that the foreſaid R. L. did at that time ſtand in) truſting to his faire ſpeeches and promiſes, after long intreatie and requeſt to him made, your ſaid Orator did conſent and agree to become bounden with the ſaid F. L. to the foreſaide A. B. for the payment of the ſaide ſumme of 17. li. 12. s. ſo that your ſaid Orator might haue ſuch a counterebond from the ſaid R. L. to diſcharge and ſaue him harmeleſſe againſt the ſayd A. B. for, and concerning the ſaid bond, after which time, that is to ſay, the 25. day of March, in the nine and twentieth yeare of the raigne of our Soueraigne Lady the Queenes Maieſtie that now is, the ſaid F. L. and your ſaid Orator by their writing obligatorie, became bound to the ſaid A. B. in the ſumme of 40. li. of good and lawfull money of England, vpon this condition indorced vpon the ſaid writing obligatorie, viz. that if the ſaid F. L. and the ſaid R. P. your ſaid Orator, or either of the their heires, executors, adminiſtrators, of them, or any of them, did well and truely content and pay vnto the ſayd A. B. his executors and adminiſtrators, the ſaid ſumme of 17. li. 12. s. of good and lawfull money of England, at or vpon the 25. day of March, in the yeare of our Lord God 1588. in the Church porch of S. between the houres of one and three of the clocke in the afternoone of the ſame day, that then the ſaid writing obligatorie to be voide and of none effect, or elſe to ſtand in full force and vertue: but ſo it is right Honourable, that the ſaid ſum of 17. li. 12. s. was not paid vnto the ſaid A. B. at the time and place mentioned in the ſaid condition, whereby the ſaid bond of 40. li. wherein the ſaid F. L. and your ſayd Orator were bounden to the ſayd A. B. was and yet continueth forfeited, the ſaid A. B. beeing not payd nor agreed withall, by reaſon whereof, your Honors ſaid Orator is like to grow to great trouble and ſuit of Law for the ſaide bond: and albeit your Honors ſaide Orator hath diuers and ſundrie times ſithence the making of the ſaide bond, promiſe, and aſſumption, moſt earneſtly requeſted the ſaid R. L. to make vnto your Honours ſaid Orator a counterbond, for the diſcharging and ſauing harmeleſſe of your ſaid Orator againſt the ſaide A. B. for, and concerning the ſaid bond, according to his ſayd aſſumption and promiſe, yet that ſo to doe, the ſaid R. L. hath denied and refuſed euer hitherto, and yet doth denie and refuſe to doe the ſame, contrarie to all right, equitie, and good conſcience: In tender conſideration whereof, and foraſmuch as your ſaid Orator hath no ſufficient witneſſe and words of aſſumption to maintaine an action vpon his caſe at the Common Lawes, meaning nothing but plainely, whereby he is void of all remedie at the Common Law: may it there-

fore

foꝛe pleaſe your honour, the pꝛemiſſes conſidered, to grant vnto your ſaid oꝛatoꝛ the Q. Maieſties moſt gratious wꝛit of Subpœna, to be diꝛected to the ſaid R. L. &c.

A Bill for making falſe Affidauit for appearance.

IN moſt humble wiſe ſheweth vnto your good Lo. your L. Oꝛatoꝛ M. F. of L. Gentleman: That whereas vpon ſuit heretofoꝛe, and yet depending in this honourable Court, betweẽ your Loꝛdſhips ſaid oꝛatoꝛ then plaintife, and one R. A. defendant in the ſaid ſuit, her Maieſties wꝛit of Subpœna was out of this ſaid court vnto the ſaid R. A. directed, commanding him thereby at a certaine day therein limited, to appeare befoꝛe your L. in the ſaid court, and to anſwer to your L. ſaid oꝛatoꝛ, in, and touching the ſaid ſuit: Now ſo it is, if it may pleaſe your L. that the ſaid R. A. not hauing any regard of her maieſties ſaid pꝛoces of Subpœna, ſo to him diꝛected, but ſeeking deceitfully and fraudulently to neglect and diſobey the ſame, pꝛocured one E. B. his ſeruant, a very lewd perſon, & fit miniſter foꝛ ſuch a purpoſe, to come vnto this honourable court of Chancery, and there moſt coꝛruptly, falſly, and periuriouſly, to ſweare and depoſe vpon the holy Euangeliſt, that the ſaid R. A. at that time was lame, and not able to trauell to this court, without great danger of his health, foꝛ ẏ the pains of his lamenes was ſuch, that he was perſuaded by his friends to go to the Bath, being thirty miles diſtant from his houſe, oꝛ thereabouts, and that he was gone to the ſaid place with much adoe, and there remained at the taking of his ſaid oath, wherein the ſaid E. B. by the meanes, ſubоꝛnation, and pꝛocurement of the ſayd R. A. hath moſt wickedly committed moſt wilfull and coꝛrupt periury, foꝛaſmuch as the ſaid R. A. was at ẏ time in very good & perfect health, abilitie, and ſoundneſſe of bodie, without any manner of lameneſſe oꝛ debilitie, ſo as he might haue very well trauelled without hurt oꝛ danger of his health, and was at that time at C. in the county of L. and not at Bath, as the ſaid E. B. in his ſaid depoſition moſt vntruly depoſed. May it theꝛefoꝛe pleaſe your L. &c. Sect. 101.

A Bill to be relieued of a Obligation, with condition, for that the money was payd accordingly.

IN moſt humble wiſe complaining ſheweth vnto your good Loꝛdſhippe, your dayly Oꝛatoꝛ N. B. of F. in the County of D. Huſbandman, and I. B. of A. in the ſame Countie Huſbandman. That whereas one N. B. of F. in the Countie of S. Gentleman, hauing neede to vſe and boꝛꝛow money foꝛ his neceſſary vſe, entreated your ſaide Sect. 102.

Oꝛatoꝛ

oꝛatoꝛ to boꝛꝛow of M. E. of A. in the saide Countie of D. widow, the summe of xx. li. which your said oꝛatoꝛ did accoꝛding to the request of the said M. And foꝛ the repayment thereof to the saide M. your said oꝛatoꝛ became bound to her the said M. by obligation, in the sum of xl. pounds, with condition, foꝛ the payment of the said twentie pounds at a day now past, which twentie pounds he the said M. hath well and truely contented, satisfied, and paid to the said M. accoꝛding to the condition afoꝛesaid: which notwithstanding, so it is, if it may please your good L. yet doth the sayd M. against all good dealing detaine the sayde obligation in her hands, notwithstanding sundꝛy request made vnto her by your said oꝛatoꝛ, foꝛ the deliuery thereof, against all right, equitie, and good conscience, minding as it should seeme to put the same in suit, either against your oꝛatoꝛ oꝛ his executoꝛs when oppoꝛtunitie serueth. In consideration whereof, and foꝛasmuch as your said oꝛatour hath not oꝛdinary remedy by the course of ỹ common law, to compell the said M. to deliuer the said bond, oꝛ to cancell the same accoꝛding as in right she ought to doe. May it please your good L. to grant, &c.

A Bill for that the Plaintife hath not according to promise, procured an acquittance for rents by him payed to the Defendants by the appointment of his lessor.

Sect. 103. HVmbly complaining, sheweth vnto your honourable Loꝛdshippe, your dayly oꝛatoꝛ I. M. of M. in the Countie of Yoꝛke yeoman, That whereas about the first yeare of the raigne of the late King Edward the first, one I. M. late father of your said oꝛatoꝛ was lawfully seised in his demesne, as of fee, of and in certaine lands and tenements with the appurtenances in S. and within the parish of S. in the sayd Countie, and being thereof so seised, died thereof so seised. By and after whose death, the said tenements and pꝛemisses with the appurtenances, descended and came, as of right they ought to descend & come to your said oꝛatoꝛ as sonne and next heire of him the said I. M. after whose death your said oꝛatoꝛ entred into the saide tenements and pꝛemisses with the appurtenances, and was thereof seised in his demesne as of fee, and being thereof so seised, one mesuage oꝛ tenement, one garden, one oꝛchard, one close oꝛ croft, thereunto adioyning, diuers lands, medows and pastures, parcell of the pꝛemisses, were assigned to A. M. late wife of the sayd I. M. deceased foꝛ her dower of the sayd lands of her sayd husband, by foꝛce whereof shee was thereof seised in her demesne, as of freehold, and she being thereof so seised, afterwards, that is to say, about the vj. day of June, in the fourth and fifth years of the raigne of K. Philip and Qu. Mary, by Indenture dated the day and

yeare

yeares aboue said, granted and to farme did let vnto your said Orator the said lands, tenements, and premisses, to hold from the date of the said Indenture, vnto the end and terme of three score yeares, if shee should so long liue, reseruing thereupon to her yearely, during the said terme of yeares, if shee so long liued, iiij. li. of lawfull English money, which yearely rent of iiij. li. your said Orator did well and faithfully pay vnto the said A. and her assignes vntill about the tenth yeare of the raigne of our Soueraigne Lady the Queenes Maiestie that now is, at which time the said A. did grant and assigne xx. s. yearely, parcell of the said yearely rent of iij. li. during her life, to one R. M. of the Countie of D. Cutler. And afterwards, that is to say, about the twentieth yeare of her Maiesties said raigne, the said A. for sundrie considerations did appoint the said R. to receiue the other xx. s. yearely, residue of the said yearely rent of iij. li. to his owne vse. And your said Orator euer since the said graunt and appointment hath yearely payed vnto the said R. as well the said xx. s. rent, so to him graunted by the said A. as the said other xx. s. rent, residue of the said iij. li. rent. In consideration whereof the said R. M. about the first day of Iune last past faithfully promised your said Orator to procure and deliuer vnto him sufficient acquittances of the said A. for all the said rents which the said R. had so, as is aforesaid, receiued of your said Orator by the appointment of the said A. And whereas further (if it may please your good Lordship) about the eighteenth day of April, in the seuen and twentieth yeare of the raigne of the Queenes Maiestie that now is, the said R. M. being indebted to one W. S. of S. in the said Countie Smith, in the summe of iiij. s. iiij. d. of English money, did intreat your saide Orator to bee suretie for him to the saide W. S. for the payment of the sayd summe iiij. s. iiij. d. to the said W. S. at the Feast of S. Bartholomew the Apostle then next ensuing, which your said Orator did accordingly, in consideration thereof, the said R. M. did then assume vpon himselfe, and vnto your said Orator faithfully promise, that if he the sayd R. M. did not well and truely pay vnto the said W. S. the sayd iij. s. iiij. d. at the said Feast of S. Bartholomew. What then be the said R. M. would sufficiently conuey and assure to your said Orator, the said yearely rent of xx. s. to him as aforesaid granted by the sayd A. together with the sayd deed thereof, and afterwards the sayd R. M. did neither pay to the sayd W. S. the said summe of iiij. s. iiij. d. nor any part thereof, at the sayd Feast of S. Bartholomew, nor at any time since, nor did conuey the said yearely rent of xx. s. or deed thereof to your said Orator according to his saide promise. But altogether contrarie to his owne promise hath procured the sayd A. to sue your Orator before the Queenes Maiestie, and her Honourable Coun-

cell

cell, eſtabliſhed in the North parts, for xvi.li. vi.s. viii.d. as arrearages of the ſaid yearely rent of iij.li. ſuppoſing the ſame to be behind and vnpayd by the ſpace of eight yeares and a halfe, now laſt paſt, notwithſtanding that your ſaid Orator hath well and truely payd the ſame to the ſaide M. W. afore ſaid. And the ſaid M. W. although he hath been oftentimes gently required by your ſaid Orator aſwell to procure him the ſaid acquittance of the ſaid A. for the ſaid rent of iij.li. as to make aſſurance of the ſaid yearely rent of xxx.s. to him by the ſayd A. graunted, yet that he doe, he hath euer hitherto denied and refuſed, and yet doth denie to doe the ſame againſt all right, equitie and good conſcience, and to the great hinderance and loſſe of your ſaid Orator. In tender conſideracion whereof, and foraſmuch as the ſaid agreements, promiſes, and payments of the ſaid rent were priuately made betweene your ſayde Orator, and the ſayd M. W. without any witneſſes thereof, for y^t your ſaid Orator repoſed ſo great truſt in the ſaid M. W. bering his naturall brother, that he called no man to beare witneſſe thereof, ſo that hee can haue none ordinarie meanes by the due courſe of the Common Lawes of this Realme, but is altogether remedileſſe to obtaine or recouer any recompence or damages thereof, vnleſſe the ſame M. W. will confeſſe the ſame to be true in his anſwer hereunto, as your ſaid Orator verily thinketh that he will not. May therefore &c.

Bill for that the defendant, for whom the plaintife was ſurelie to pay a certaine money, did neither pay the ſaid money, nor ſaue the plaintife harmeleſſe.

Sect. 50.

HVmbly complaining, ſheweth vnto your honourable Lordſhippe, your daily Orator H. H. of C. in the Countie of D. Yeoman. That whereas about the viij. day of October, in the xxij. yeare of the raigne of our Soueraigne Ladie the Queenes moſt excellent Maieſtie that now is, your ſaid Orator, at the earneſt requeſt of one H. C. of C. in the ſaide Countie Yeoman, and R. C. his ſonne, for and with the ſaid H. did enter and become bounden vnto H. S. of C. aforeſaid Yeoman, in one obligation or bond of xl.li. of lawfull Engliſh money thereupon indorſed, with condition, that if the ſaid H. H. and H. C. or either of them, their executors, adminiſtrators, or aſſignes, or any of them, did well and truely pay or cauſe to be payed vnto the ſaid H. S. his executors or aſſignes, the ſum of twentie pounds of lawfull Engliſh money, vpon the ninth day of October, which then ſhould be in the yeare of our Lord God 1581, at the now dwelling houſe of the ſayd H. S. in C. aforeſayd, that then the ſaid Obligation ſhould be voyd and of none

effect

effect. And the said Y.C. and R.C. in consideration therof, did then and there assume upon themselues, and unto your said Orator faithfully promise, that the said Y.C. the summe of 20 pounds unto the said Y. upon the said ninth day of October, in the yeare of our Lord God 1581, would well and truly pay, or cause to be payed, according to the said condition of the said obligation. And that the said Y.C. and R.C. would from time to time, and at all times hereafter, save and keep harmelesse and indempnified your said Orator against the said Y. for, and concerning the said bond of 40 li. and for, and concerning all actions, suits, and troubles, to be had or commenced against your said Orator, for or by reason of the said bond of 21 li. And also that they the said Y.C. and R.C. would forthwith have been bound unto your said Orator, by their sufficient obligat. in the summe of foure score li. for the so saving harmelesse of your said Orator against the said Y. as is aforesaid. But now so it is, if it may please your honorable L. that the said Y. C. intending your said Orator in this behalf subtilly to defraud and deceive, hath neither paid unto the said Y. the said 21 li. the said ninth day of October, in the said yeare of our Lord God 1581, according to the effect and meaning of the said condition, nor at any time afterwards, nor the said Y.C. and R.C. have become bounden unto your said Orator in the said obligation of foure score li. to save your said Orator harmelesse against the said Y. as is aforesaid, albeit that your said Orator hath sundrie times gently required them, and either of them so to doe, the same to doe have untill hitherto refused, and yet doe refuse and denie to doe the same, against all right, equity, and good conscience, contrary to their faithful promise and assumption aforesaid, so that your said Orator is likely verie shortly to be inforced to pay unto the said Y. the same 21 li. which would be to the great damages and hinderance of your said Orator, if speedy remedie be not in this behalfe by your good L. in due time provided to prevent the same: Wherefore, and forasmuch as your said Orator giving faith and credit to the said promise and assumption of the said Y.C. did take their said promise and assumption of them, without calling any witnesse to them to beare the same, so that your said Orator for want of such witnesses hath no remedy by the common lawes of this realme, nor otherwise to make them performe the said promise and assumption, unlesse the said Y.C. and R.C. doe confesse the same in their answer to this Y. Court, as your said Orator verily thinketh they will: May it, &c.

A Bill for inclosing symbelle to the soyle of a common, and for felling of woods there growing.

Sect. 50.

TO most humble wise complaining, sheweth and complaineth to your Honor, your daily Orator H. G. clerke, Prebendarie of the Prebend, commonly called the Prebend of the Querhall in Norwell, in the Collegiate Church of Southwell in the County of Nott. That whereas your said Orator was, and is seised in his demeane as of fee, in the right of the said Prebend of, and in one manor in Norwell, in the said County, whereof certaine woody grounds and spriggs, being most commonly open, and the herbage thereof taken and vsed as Common, by the tenants and other Inhabitants of the same manor and Towne of N. aforesaid in parcell. And the tenants and inhabitants of the same Manor and Towne of N. aforesaid, as tenants of the same manor. And other tenants and inhabitants within the Townes and Villages of E. and M. that is to say, by them as commoners, because of vicinage, by reason of which said woody and spring of grounds, vsed as Common, as is aforesaid, part whereof is parcell of the same Mannour of N. containing by estimation twentie acres, extending in length from a certaine oake tree, being a boundarie oake betwixt the same and such other like grounds, being parcell of another prebend in the collegiate Church of S. aforesaid, commonly called the Prebend of the Neatherhall, or Walshehall in N. aforesaid, and from thence extendeth along, by a place where there trees lately there did grow, commonly called the three brethren, and so from thence along by the Meare, which is as it hath bin, an ancient drie ditch, cut by, as it were, or had in a meare Southward betwixt the severall lords & owners of the lands in y^e place, that is to say, Gill Gallivards, betweene the lords and owners of the same lands, and the manors and lands of Taunton and Bellthorpe, & Westmandin to the manor of Rickall, and from thence downeward West vnto the Parke pale of R. and by the same parke pale Northward by a certaine little river of water, vnto certaine of the like lands and Tenements of the said other manor of N. aforesaid, and so Eastward by meare vnto the aforesaid ancient oake, which said parcell of ground, one R. W. and E. W. Gentlemen, and one W. T. yeoman, pretending to have severall manors in E. aforesaid. And having diuers Deeds, Charters, euidences, boundaries, terrars, and muniments, concerning the premisses of right belonging to your said Orator, casually or by some sinister meanes come to their hands, doe not onely claime the same to bee parcell of their severall said mannors: But also vnder pretence of their said pretended and vncertaine claime, not onely some of them, but also diuers other vnder the colour and permission of some of them, hath cut

and

and caused to be cut downe the most part of the best trées growing vpon the said parcell of wood ground, as in trueth all that was felled did grow there in a corner thereof towards the East part, containing like fyue acres, and that in absence of your said Orator then being, and yet remaining a Student in the Vniuersitie of Cambridge, that is to say, a Fellow of Gunuill and Caius Colledge, and not so contented, but considering your said Orators absence, dayly and continually, both continue their former claime to the said ground, within the Meares and bounds aforesaid, and so doe cut down & cause to be cut downe the residue of the wood there growing, & so will very shortly leaue none there. And also by colour and reason of the said permission, they will shortly by such indirect meanes and practise, win, and get the freehold and inheritance thereof to them, as they haue in other the walks, common, and like grounds within the mannor of, or in C. or at the least haue none able to testifie the contrary, wheras now in truth there are diuers and sundrie sufficient and antient witnesses, beeing very aged, and some of them very impotent, that can and will trauell so farre as they are able to trauell, to testifie vpon their Othes the truth of the premisses in manner and forme as before in effect is alleaged, and more for the better proof of your said orators right, in and to the said last recited premisses, if cause and need shall so require, and that the said R. W. F. B. and R. T. vpon their answers vnto the matters in this bill of cõplaint, will not confesse the truth therein, as it is most credibly to be presumed they will, and the rather, for that if they will denie the same, they know in proceeding vpon the answers of this Bill, all the whole trueth concerning the premisses must be examined by depositions of witnesses, and their depositions, if order presently be not taken of the same, shall and may remaine of Record in perpetuam rei memoriam, to doe further therein, as by this honourable Court shall be awarded: wherefore the premisses tenderly considered, and also the incertaintie, whether the said R. W. F. B. and R. T. or any of them will confesse the whole trueth concerning the right and title of your foresaid Oratour to the same; and the wrong and dammage by them, and others, by their meanes and consent to him done. And if they should not, the vncertaintie, whether that the foresaid antient, aged, and impotent persons or any of them that now be liuing, and can testifie the truth cõcerning the same, shall be liuing when the same shall come to triall, at, or by the course of the common Lawes, to whom the right of the Freehold and inheritance thereof doth of right belong, ouer and besides the impotencie, that they or most of them may haue at such time and times, to trauell to witnesse and testifie the trueth concerning the premisses, with this, that your said Oratour doth not know the certaine date

or dates of the said deedes, charters, euidences, boundaries, terrars, muniments, or wherein the same be contained, whether in bag, or bore, sealed, or locked, or otherwise, & so without remedie for the recouerie of the same, & redresse for the wrong aboue said, of, or by order of the common lawes of this Realme. It may therefore &c.

A Bill against the executors, for that the Testator did not deliuer specialties paid, whereupon they threaten to sue the Plaintife.

Sect. 106.

IN most humble wise complaining, sheweth to your good Lordship, your poore vnduly orator G. N. of T. in the countie of D. yeoman That whereas your said Orators about the moneth of Januarie, in the 30. yeare of the raigne of our souereigne Lady Elizabeth, the Queenes Maiestie that now is, by his seuerall bonds or writings obligatorie became bound to one N. D. now deceased, for the payment of seuerall summes of money vnto the said N. All which said summes of money, & euery parcell thereof your said orator hath truely satisfied and payed to the said N. D. in his life time, according to the purport and effect of the said seuerall bonds and writings obligatorie, not taking any of the specialties, or any arquitance or discharge from the said N. D. for the same, but onely trusted the words of the said N. D. who faithfully promised your said orator to send the same specialties to your said orators house, at Tottey aforesaid, or sufficient acquittance for the same. But now so it is, if it may please your good Lordship, that since the death of the said N. D. the said obligations and writings obligatorie are come to the hands and possession of N. C. of S. in the countie of Yorke yeoman, and T. C. of S. aforesaid yeoman, who by colour of hauing thereof, haue now of late in their owne names as executors to A. D. late wife of the said N. D. and executrix of ỳ last will and testament of the same N. commenced suit in her M. Court of common pleas at Westminster, against your L. said poore orator, vpon one of the said obligations or writings obligatorie of the summe of xỳ. li. or therabouts, indorsed with condition for the payment of vj. li. at a day mentioned in the same condition, and do threaten to put the residue of the said specialties in suit against your said Orator, meaning and intending thereby to recouer against your said orator the penalties of the said seuerall obligations and writings, who hath alreadie paid the principall and due debts to the said N. D. in his life time as aforesaid, which is contrarie to all right, equitie, and good conscience. In consideration whereof, and forasmuch as your Lordships said Orator hath not any witnesses now liuing, that can testifie the payment of any of the saide summes of money, or any part or parcell thereof, and therefore cannot pleade any

matter

matter in barre at the common law to the ſaid actions already commenced by the ſaid C. and C. whereby your ſaid oꝛatoꝛ, by the ſtrict courſe of the common lawes of this Realme, is altogether remedileſſe, vnleſſe your L. accuſtomed goodnes be to your ſaid poꝛe oꝛatoꝛ extended. May it therefoꝛe pleaſe your good L. &c.

A Bill againſt executors vpon a priuate promiſe made by their teſtator, retaining an Atturney to proſecute and defend ſuits for himſelfe and others, alledging that the executors haue waſted the teſtators goods, &c.

HUmbly complaining, ſheweth vnto your honoꝛable L. your dayly oꝛatoꝛ W. W. of F. in the countie of Y. Gentl. one of the Atturnies of the M. maieſties court of common plees, beꝛoꝛe her Highneſſe Juſtices, to be holden of the ſame Court: That whereas one I. Y. of T. neere N. in the countie of Notting. eſquire deceaſed, in his life time, that is to ſay, about the terme of the holy Trinitie, which was in the yeere of our Loꝛd God 1586. did retaine the ſaid W. W. to be of counſell with him the ſaid I. Y. to pꝛoſecute and defend diuers and ſundꝛie ſuits, plees, and buſineſſes to be done, and had in the ſaid court of common plees, as well foꝛ the ſaid I. Y. as foꝛ diuers others his then ſeruants and bailifes, and tenants, and namely foꝛ the ſaid I. Y. againſt R. E. in a wꝛit of Repleuin foꝛ thꝛee kine of the ſaid R. ſuppoſed to bee vniuſtly taken and detained by the ſaid I. Y. And foꝛ the ſayd I. Y. againſt Y. T. in a Repleuin of the ſayd Y. foꝛ fiue oxen ſuppoſed to bee taken and vniuſtly detained by the ſaid I. Y. And foꝛ the ſaid I. Y. againſt I. Y. in a Repleuin foꝛ two kine of the ſaid I. Y. ſuppoſed to be taken and vniuſtly detained by the ſayd I. Y. And foꝛ the ſaid I. Y. againſt E. S. in a Repleuin of certaine cattell of the ſaid E. ſuppoſed to bee taken, and vniuſtly detained by the ſaid I. Y. And foꝛ R. R. and W. S. againſt R. L. foꝛ thꝛee oxen of the ſaid R. Y. ſuppoſed to be taken and vniuſtly detained by the ſaid R. R. and W. S. And foꝛ I. S. and R. S. againſt Y. T. alias W. in a Repleuin, foꝛ certaine beaſts of the ſaid Y. S. ſuppoſed to bee taken and vniuſtly detained by the ſaid I. S. and R. S. And foꝛ R. R. and W. S. againſt R. Y. in a Repleuin of diuers beaſtes of the ſayde R. Y. ſuppoſed to bee taken and vniuſtly detained by the ſaid R. R. and W. S. And foꝛ I. S. and T. W. againſt T. E. in a Repleuin of certaine beaſts of the ſaide T. E. ſuppoſed to be taken and vniuſtly detained by the ſaide I. and T. W. And foꝛ the ſaide I. S. and T. W. againſt the ſaid R. E. in another Repleuin of certaine beaſtes of the ſaid R. E. ſuppoſed to bee taken and vniuſtly detained by the ſaid I. S. and T. W. taking foꝛ his fee and laboꝛ foꝛ euery one of the ſayd plees and buſines, ſo as is ſaid in the ſame court by him to bee pꝛoſecuted and defended foꝛ euerie terme Sect. 114.

in which your said oratoꝛ should so be Atturney foꝛ him oꝛ them, oꝛ any of them, 3.s. 4.d. And besides that fée, all reasonable costs and expences about the pꝛosecution of the same suits, plees, and businesses, as foꝛ the wꝛiting of wꝛits, sealing of them, and dꝛawing & entring of plées, and warrants of atturney, and foꝛ all other things in that behalfe, by him your said oꝛatoꝛ be laid foꝛth and expended, and in consideration theꝛof hee the said F.M. did about the same time assume vpon himselfe, and vnto your said oꝛatoꝛ faithfully pꝛomise, well and truly to content, satisfie and pay vnto the said oꝛatoꝛ whensoeuer he should bee thereunto required by your saide oꝛatoꝛ, aswel the said fée of 3.s. 4.d. foꝛ euery of the said suits, plées, and businesses so to be pꝛosecuted, as also all the said costs and expences, so as is afoꝛesaid, to be laid foꝛth in that behalfe: by reason of which retainer and pꝛomise, so as is afoꝛesayd made, your said oꝛatoꝛ was of counsell with the said I.M. and the saide other persons in the said suits and plees in the said Court, by the space of 8. seuerall termes next ensuing the said retainer, and during the said time did pꝛosecute and sue foꝛ and defend diuers suits and wꝛits, aswell iudicial as oꝛiginall, as by the recoꝛds theꝛeof remaining in the said Court appeareth, by reason wheꝛof your oꝛatoꝛs fées foꝛ the pꝛosecution & defending of the said suits oꝛ pleas by the said time did amount vnto x.li. oꝛ thereabouts, besides the costs & expences laid out by him in the same, which costs & expences laid out by your L. sayd oꝛatoꝛ did amount vnto 8.li. 19.s.9.d. which were behind and vnpaid vnto your said oꝛatoꝛ, by meanes whereof action accrued vnto your said oꝛatoꝛ to demaund and haue of the said I.M. in his life time the said sum of 18.li. 19.s.9.d. and of the said A.M. vnto whom the administration of all the goods & chattels which the foꝛesaid I.M. had at the time of his death, were after his death lawfully committed, yet theꝛefoꝛe the sayd I.M. in his life time the said sum of 18.li. 19.s.9.d. noꝛ any peny thereof, though oftentimes in his life time thereunto by your sayd oꝛatoꝛ required, oꝛ the said A.M. his administratoꝛ after his death, notwithstanding that the goods and cattels which were the said I.M. be sufficient foꝛ the paimẽt of the said 18.li. 19.s.9.d. vnto your said oꝛatoꝛ, and of all other debts which the said I.M. ought to haue payd, did come to ỳ possession of the said A.M. & still remain in the possession of her the said A.M. oꝛ of such person & persons, vnto whõ she hath yeelded, left, oꝛ deliuered the same, notwithstanding that she hath sũdꝛie times since ỳ death of the said I.M. bin gently required by your said oꝛatoꝛ to pay to him the same 18.l. 19.s.9.d. oꝛ any part thereof, hath not yet paid and contented, but the same to content and pay hath euer hitherto denied & refused, & the said A. doth yet denie and refuse to pay the same, thereof intending vtterly to defraud and deceiue your saide oꝛatoꝛ against all right, equitie,

and

and good conscience, notwithstanding also that she the sayd A. M. hath her selfe at sundrie times heard the said I. M. in his life time promise, That he would pay vnto your said Orator all such summes of money, as were behind vnto your said orator, and notwithstanding also, that she wel knoweth that the foresaid sum of 118 li. 19 s. 9 d. was due vnto your said Oratour, by the foresaid I. M. his wife, by reason that shee hath séene, and hath a particular bill thereof, which was sent and deliuered to him in his life time by your said Orator, and notwithstanding also, that she her selfe since the death of the said I. M. did assume and faithfully promise to pay vnto your foresaid orator, all such money as was due vnto him at the said time of his death, if she the said A. M. did take vpon her the administration of her goods and chattells, which she hath done as is said. All which things she the said A. hath done partly by her owne iniurious mind, but chiefly by the wicked and sinfull perswasion of R. M. Gentleman her sonné, by whose councell and perswasion she hath closly and secretly conueyed away a great part of the sayd goods being of verie great value, to diuers places and persons, to your said orator vtterly vnknowne, and left the same out of the Inuentorie of the said I. M. his said goods which shée hath exhibited: and also hath caused such goods and chattels, as bee mentioned in the said Inuentorie, to be praised much vnder the value thereof, and a great part thereof to be set downe therein so confusedly and inconueniently, that it cannot well be knowne, either what they bee, or of what value. And furthermore, she the said A. by the like sinister councel and persuasion, hath consented and caused one P. B. and T. C. and diuers other persons beeing her special friends couenously to commẽce diuers and sundrie fraudulent actions of debts and executions against her, as Administratrix of and to the said I. M. suffering her selfe therein to bee conuicted and condemned, though in very truth either nothing, or very little was due vnto them, and in a manner nothing at all taken of her by them, by vertue of the said actions and executions, to the intent thereby to dazle the eyes of your Orator, and of other the Creditors of the said I. M. not knowing the truth of the same vngodly deuises, intending by such meanes to defraud and defeat your said Orator, and the rest of his said Creditors, of the most part of their seuerall debts, which their vnlawfull practises are like to be to the great losse and hinderance of your said Orator, if spédie remedie be not by your good Lordships meanes prouided to mẽt with, and preuent the said vnconscionable and vniust dealing in the premisses, for that the promises and assumptions of the said I. M. and A. M. were made secretly and priuately vnto your sayd Orator, no persons being present with them at the making of the sayd seuerall promises, nor any man liuing which can testifie the same, so

that your said Orator for want of such proofe thereof, as is requisite by the strict course of the common lawes of this Realme, is altogether remedilesse, if it be not by the order of this honorable court, wherein your L. said orator hopeth, and verily thinketh, that she the said A. P. in her answer to the premisses, upon her corporall oath wil confesse the same, to be in effect, as it is herein set forth and disclosed: May it therefore, &c.

A Bill for diuers Euidences.

Sect. 108. HVmbly complaining, sheweth vnto your L. G. Earle of S. That whereas the said Earle is lawfully seised in his demesne, as of fee, of, and in the manner of S. in the Countie of Y. and in the hundred of S. with the appurtnances in the county of D. and of and in the castle and manor of S. with the appurtenances in the county of Y. and of the castle and manor of B. in the county of D. and of and in the Castle and manor & hundred of B. in the county of D. with the appurtnances, and of, and in diuers messuages, lands, tenements, hereditaments, franchises, and liberties, to the said seuerall manors, and hundreds belonging: Now so it is, if it may please your good L. that diuers and sundry court-rols, charters, euidences, exemplifications of records, extracts, terrars, pleadings, writings, and muniments, concerning the said seuerall manors, hundreds, and premisses, with the appurtnances, and of right belonging vnto the said Earle, and whereby the said Earle should make his title vnto the said manors, hundreds, liberties, and premisses with the appurtenances, or to the most part therof, are by casual means come vnto the hands, custodie, & possession of one N. C. of S. in the county of D. And albeit ỹ the said earle hath sundry times sent vnto the said N. C. gently requiring him to deliuer vnto the said Earle the said Court-rolles, charters, euidences, exemplifications of records, extracts, pleadings, writings, and muniments, yet that to doe, the said N. hath euer hitherto vtterly denied, and yet doth denie to doe the same, against all right, equitie, and good conscience: In tender consideration whereof, and forasmuch as the said Earle knoweth not the certaine dates, and other the certainties of the said deeds, charters, euidences, exemplifications, &c. neither wherin they, or any of them be contained, and therfore hath not any ordinarie remedie by the common lawes of this Realme to recouer the same deeds, euidences, &c. or any of them, & wanting the same deeds, &c. is in danger to lose many franchises, liberties, and commodities belonging to the said seuerall manors, hundreds, and premisses: May it therefore please your hon. L. to graunt vnto the said Earle the M. Maiesties most gratious writ of Subpæna, to be vnto him directed, commanding him to appeare before your hon. L. in her Ma. high Court of Chancerie.

A Bill for not making of an assurance of lands according to a covenant, alleadging the Indenture thereof to bee come to the defendants hands, and that some of the defendants were within age at the making of the same Indenture.

COmplaining, sheweth vnto your ho. L. Gilb. Earle of S. sonne and heire of the right hon. George late Earle of S. deceased, and administrator of the goods and chattels which were the late Earles at the time of his death. That whereas about the moneth of Sept. which was in the 32 yeare of the raigne of the Qu. most excellent Maiestie that now is, one R. E. of Y. in the Countie of D. gentl. was seised in his demesn as of fee, of, & in one annuitie or yearely rent charge of 20. li. by the yere, issuing and going forth of certaine lands in B. in the sayd Countie of D. and of, and in one other annuitie or yearely rent charge of 40. markes by the yeare, issuing and going forth of certaine lands & tenements in B. aforesaid. And where also he then had to him and his heires, to the vse of him and his heires for euer, by conueiance from one Y. B. Esquire, one melting house and certaine ground then lately vsed to the same. And where further the sayd R. E. by conueiance from the said Y. B. then had to him and his heires for euer, the tithe of the corne and hay renuing, comming or growing within B. aforesaid, or elsewhere within the seuerall Parishes of D. or S. or either of them, in the said Countie of D. And where also one T. E. sonne & heire apparant of the said R. E. then also had by conueiance from the said Y. B. to the vse of the said T. E. and his heires for euer, diuers and sundrie lands, tenements, & hereditaments, with the appurtenances in B. aforesaid. And where also one G. E. second son of the said R. E. then had by conueiance from the said Y. B. vnto the vse of the said G. E. his heires and assignes for euer, the Manor of B. with the appurtenances, and diuers lands, tenements & hereditaments, with the appurtenances, as by seuerall conueiances of the said seuerall tenements, things, & premisses, to the said R. T. & G. before that time seuerally made appeareth: by force whereof they were thereof lawfully seised seuerally in their seuerall demesnes, as of fee: and being thereof so seised, they the said R. E. T. E. & G. E. for a certaine sum of mony to them well and truely paid by the said late E. & for other cõsiderations thẽ especially mouing, by Indenture bearing date, in, or about the said moneth of Sept. in the 32. yere aboue said made betweẽ them on the one party, and the said G. late Earle of S. on the other party, did fully, freely, and absolutely alien, graunt, bargaine and sell vnto the said G. late Earle of S. his heires and assignes for euer, the said Manor of B. with all his rights, members and appur- Sect. 109.

tenances in the said county of D. and all and singular messuages, toftes, cotages, houses &c. to the said manor of B. belonging, or in any wise appertaining: and all other the messuages, lands, tenements, rents, reuersions, seruices and hereditaments of the said R. T. & G. E. & euerie of them whatsoeuer, scituate, lying, &c. together with all the reuersion & reuersions, remainder, and remainders, of all & singular the premisses, and euerie part thereof with the appurtenances, and all estate, right, title, interest, claime, vse, possession, & demand of them the saide R. E. T. E. & G. E. and of euery of them whatsoeuer, of, in, & to the said manor, messuages, lands, tenements, hereditaments, and other the premisses before mentioned, and of, in, and to euery part thereof: excepting and foreprising one grant made by the said P. B. to the sayd R. his heires and assignes for euer, of common of pasture for all &c. To haue and to hold the said manor, lands, tenements, and premisses, with the appurtenances (except before excepted) vnto the said G. late Earle of S. his heires and assignes for euer, to the onely vse of him the said late Earle, his heires and assignes for euer: and in consideration of the premisses, the said late Earle by the sayd indenture of bargaine and sale, did grant vnto the said R. E. his heires and assignes for euer, to the only vse of the said R. his heires & assignes for euer, one annuitie or yerely rent charge of C.li. of lawfull English money, to be issuing and going out of all and singular the said manor, lands, tenements, and premisses (except before excepted) and except such lands, tenements, & hereditaments, as were then assured or conueyed for the ioincture of the right hon. Eliz. then, and yet Countesse of S. to be payed at the Feast of S. Michaell the Archangell, and the Annunciation of the virgin Marie, by euen portions, or to this or the like effect and meaning, as in and by the sayd Indenture of bargaine and sale amongst other things plainely appeareth the precise contents whereof this complainant cannot more certainely set downe, for want of the said Indenture. And whereas also (as this complainant hath heard) it was in, and by the sayd indenture of bargaine and sale couenanted, and graunted on the part of the saide R. E. T. E. and G. E. to and with the sayd G. late Earle of S. this complainants said late father, his heires and assignes, and euerie of them, that they the said R. E. T. E. and G. E. their heires and assignes, and euery of them, other than such person and persons for the time being, whose estates and interests are in the same indenture excepted, their executors, administrators, and assignes, and euery of them, in respect onely of the same estates and interests so excepted, and euerie of them, should and would at all times hereafter, for, and during the space of certaine yeares, next ensuing the date of the saide indenture of bargaine and sale, now almost ended and expired, at, and vpon the lawfull

and

and reasonable request, and at the costs and charges in the lawe of the said Earle, his heires or assignes, or some of them do, make, and knowledge, and suffer, cause, and procure to be done, made, and acknowledged all and every such further, lawfull, and reasonable act and acts, thing and things, deuise and deuises in the law whatsoeuer, for the further and more better assurance, suretie and sure making and conueying of the sayd manor of W. and the messuages, lands, tenements, and premisses, with the appurtenances, in the said indenture mentioned to be bargained and sold (except before therein excepted) vnto the said Earle his heires and assignes, to the onely vse and behoofe of the said Earle, his heires and assignes for euer, according to the true intent and meaning of the said indenture, were it by fine, feoffement, recouerie, deed, or deeds inrolled, the inrollement of the said indentures, release, confirmation with joint or seuerall warrantis of the saide R. E. T. E. and G. E. their, and euerie of their heires against them the said R. E. T. E. and G. E. their, and euery of their heires and assignes, and euerie of them, and against all and euerie other person and persons whatsoeuer clayming, in, by, from, or vnder them, or any of them, or otherwise with like warrantie, or without warrantie as by the said Earle, his heires or assignes, or his or their counsell learned in the lawes, should be deuised, aduised, and required, so as none of the said Actes or things concerning the said further assurance stretch or extend to any other or further warrantie or warranties of the premisses, or any part thereof, than as is before expressed, or to the effect and meaning, as in the same Indenture of bargaine and sale appeareth: But now so it is, if it may please your H. L. that at the time of the making of the saide indenture of bargaine and sale vnto the said late Earle, the said T. E. and G. E. were within and vnder the age of 21. yeares: And shortly after the making of the said indenture, and before the same was either knowledged or inrolled, or any estate executed thereupon, by Attornement, Liuerie of seisin, or otherwise, that is to say, vpon, or about the 17. day of Nouember, next insuing the making of the said indenture, the sayd G. late Earle of S. died, by and after whose death, the right to haue & inherit the said manors, lands, tenements, and premisses with the appurtenances, discended and came, as of right the same ought to discend and come vnto this complainant, as his eldest sonne and next heire, shortly after whose death, the administration of all the goods and chattels of the said G. late Earle of S. was by the right reuerend father in God, J. by the prouidence of God, Archbishop of Canterbury, Primate and Metropolitane of all England, committed to this complainant now Earle of S. who administred the sayde goodes and chattels accordingly. And further so it is, if it may please your good Lordship,

that the part or counterpaine of the said Indenture of bargain and sale belonging to the said late Earle, is since the death of the said late Earle by casuall meanes come to the handes, custodie, and possession of the said R.E. T.E. and G.E. or some of them, or some other person by their procuritie and consent, the full contents whereof are vtterly vnknowne to this compl. by colour whereof, and for that the said T.E. and G.E. were so, as is aforesaid, within age at the making of the said Indenture, they the said R.E. T.E. and G.E. hauing a great desire haue the saide manors, landes, tenements, and bargained premisses, and thereof to disinherite and defeate this complainant, contrarie to the true intents and meaning of the sayd Indenture: Notwithstanding that this complainant hath yearely sithence the making of the said Indenture, well and truely satisfied and payed vnto the sayd R.E. the said Annuitie or yearely rent charge of 100.li. by the yeare, in the said Indenture mentioned, according to the tenor, forme, and effect of the same Indenture (as this complainant verily thinketh.) And notwithstanding that this complainant hath sundrie times, as well by himselfe as by diuers other of his seruants and friends in his behalfe, sent and come vnto the said R.E. T.E. and G.E. gently requiring them, and euery of them, to deliuer vnto your said orator, the saide part or counterpaine of the said Indenture of bargaine and sale of the premisses: And also to make vnto him this complainant and his heires, further conueyance and assurance of the said manor, tenements, and premisses, by fine to be leuied before the Iustices of the Common plees at Westminster, and for that purpose in the terme of S. Hillarie, which was in the 34 yeare of the Queenes Maiesties raigne that now is, at Westminster in the Countie of Middlesex, this complainant required the said R. and T. according to the tenour, true intent, and meaning of the said Indenture of bargaine and sale thereof, to come before Sir E.A. knight, then, and yet chiefe Iustice of her Maiesties Court of Common plees at Westminster, to make cognisance before the same E.A. knight of the said manor, tenements, and premisses, with the appurtenances, in forme of Law, that a fine thereupon might haue bin leuied, to the vse of this complainant, and his heires for euer, yet that to doe, they and euery of them haue euer hitherto refused and denied, and yet deny and refuse to doe the same, contrarie to the forme and true meaning of the couenants and agreement in the said Indenture of bargaine and sale thereof contained, and against all right, equitie, and good conscience, and to the manifest defeating, and disinheriting of him this complainant, of and in the said manor, lands, tenements, and premisses, and contrary to the true intent and meaning of the same Indenture of bargaine and sale thereof, except speedie remedie

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be in due time prouided to preuent the same. Wherefore the premisses considered, and forasmuch as the said Complainant not knowing the certaine date and contents, and other certainties of the sayd part or Counterpaine of the said Indenture of bargaine and sale, nor where in the same is contained, whether in bag, box, or chest locked, sealed, or otherwise, and so hath none ordinarie remedie by the due course of the common lawes of this Realme, for the recouerie thereof. And without the same indenture hath no direct action by the common lawes of this Realme to compell the said R.E. T.E. and G.E. or any of them to assure vnto him this complainant, the said manno, Lands, Tenements, and premisses, according to the said bargaine thereof, for lacke of the said Indenture, both parts thereof being come to the handes of the said Defendants. Neither if this Complainant had the sayd part or Counterpaine of the said Indenture (as hee hath not) yet had hee not thereby any meanes by the Common Lawes of this Realme, to compell the said T.E. and G.E. or either of them, to performe the bargaine and couenants therein contained, they the said T. and G. beeing as is aforesaid, vnder the age of one and twentie yeares, at the time of the making thereof. It may please your honourable Lordshippe, the premisses considered, to grant vnto him this Complainant, the Queenes Maiesties most gratious writ of Subpæna to bee directed to the sayd R.E. T.E. and euerie of them, thereby commaunding them and euerie of them at a certaine day, and vnder a certaine paine therein by your good Lordshippe to be limitted, to bee and personally to appeare before your honourable Lordshippe in the Quéenes Maiesties high Court of Chancerie, then and there to answer vnto the premisses, and further to stand to, and abide such order and direction therein, as to your good lordship vpon the hearing of the said cause, shall séeme to be agreeable with right, equitie, and good conscience, &c.

A Bill against the heire for entring into lands deuised to the Plaintife, praying a Commission to examine witnesses in perpetuam rei memoriam.

HVmbly complaining, sheweth vnto your good Lordshippe, your poore distressed Orator G.W. of N. in the County of N. Yeoman. That whereas W. W. deceased father vnto your said Orator, was in his life time lawfully seised in his demesne as of fée, of, and in the manno and Capitall messuage of N. in the Countie of N. and of, and in one farme, set, lying, and being within the parish of W. in the sayd Countie of N. and of diuers other lands, Tenements, and hereditaments in N. aforesaid. And also whereas the said W. W. deceased, Sect. 110.

was

was likewise in his life time lawfully seised in his demesne as of fée, of, and in certaine ground, and one tenement with the appurtenances, set, lying, and being within the Parish of C. in the Countie of D. and also of, and in the rectorie and parsonage of C. alias C. within the said counties of D. and of diuers other lands and tenements, set, lying, and being in the county of N. and D. and he so being of the said lands and Tenements seised, did by his last will and testament in writing, deuise and bequeath vnto your said humble Orator, and to the heires males of his body lawfully begotten, certaine parcells of land, of and in the said manor of N. that is to say one mansion house, wherein your said poore Orator now inhabiteth and dwelleth, one Close commonly called B. containing by estimation two acres, or thereabouts, one other Close commonly called C. containing by estimation two acres, or thereabouts, one other Close commonly called the vppet S. all which seuerall parcels of land are scituate, lying, and being in N. as is aforesaid, in the foresaid Countie of N. one messuage or tenement commonly called by the name of an organg, scituate and being in W. in the sayd County of N. and also one tenement called the N. scituate, lying, and being in the County of D. and one lease of the Rectorie and Parsonage of C. in the county of D. by vertue and force of which said deuise, and bequeath, your said humble Orator entred into the said premisses, and the said issues and profits of the same hath perceiued, receiued, and taken to his owne profit, vse, and behoofe, as lawfull was for him to doe, as he verily beleeueth. But so it is, if it may please your Hon. good Lordship, that one R. W. brother to your said humble Orator, as sonne and heire apparant to the said W. W. his father deceased, hath taken away, concealed, and cancelled, as it is thought, the said last Will and testament of your said Orators father, and hath taken vpon him the administration of all the goods and chattels of your sayd Orators father, reiecting and disanulling the said last will and Testament made by your said Orators father, as aforesaid, to the intent onely, and thereby of set purpose, malice, and vnbrotherlike dealing, to defraude, expell, depriue, and disinherit your said Orator of his right, title, and interest, of, and in the said lands, deuised to him as aforesaid, and also doth threaten your foresaid Orator, that hee may at his pleasure relinquish and disanull the beforesaid last will and Testament made by your foresayd Orators father as is aforesaid, and did take the administration of all your said Orators fathers goods and chattells, and entred into all his said lands, as is aforesaid, contrarie to all right, equitie, and good conscience, and not christian like, but vnbrotherlike dealing, & contrarie to the true intent and good meaning of your foresaid Orators fathers will, made as is aforesaid, vnlesse your good L. doe according vnto your accustomed

cuſtomed goodneſſe, extend your clemencie, and pitie in that behalfe to your poore Orator. In conſideration whereof the premiſſes conſidered and foraſmuch as the title of your ſaid Orator, by reaſon of the indirect practiſe vſed as aforeſaid, in concealing, cancelling, and relinquiſhing the ſaid laſt Will as aforeſaid, doeth greatly depend vpon the witneſſe and teſtimony of certain perſons dwelling within the county of N. to proue the true meaning of your ſaid Orators fathers will, which are of great yeres, and alſo verie impotent, not like long to liue, nor able to trauell to this honorable Court to be examined for the teſtifying of the trueth, touching the premiſſes, as by common order appertaineth. And alſo for that in time the ſaid witneſſes may die, & by meanes thereof your ſayd Orator may be in danger to ſuſtaine diſinheriſon of the premiſſes. May it therefore pleaſe your good Lordſhip to grant the Queenes, &c.

A Bill for refuſing to receiue the Plaintifes rent according to an order, and taking of forfeiture of a bond made for paiment of the rent.

HVmbly complaining, ſheweth vnto your good Lo. your daily Orator I. L. G. in the countie of N. yeoman, That whereas one I. K. of W. in the countie of Yorke Miller, pretended as in the right of his wife to be owner of a certaine meſſuage in E. in the Countie of N. aforeſaid, and of certaine land, medow, and paſture thereunto belonging, and lying within the fields of E. aforeſaid, and the ſaid I. K. ſo pretending himſelfe in the right of his ſaid wife to bee ſeiſed as is aforeſaid about the 19 or 20 yeare of the Qu. maieſties moſt gracious raigne that now is, did demiſe the ſaid meſſuage and land in E. aforeſayd vnto your ſaid Orator, and one A. L. Gentleman, to haue & to hold to them for the terme of 21 yeares from the time of the making therof, rendring therefore yearely the rent of 20. s. payable at Whitſontide and Martinmas by euen portions, for the payment of which ſaid rent of 20. s. he the ſaid K. knowing himſelfe the title thereof to be queſtionable, and likely to grow to ſome charges in law to your ſayd Orator, to defend, did therefore cunningly get your ſaide Orator to become bound in an obligation of 20. li. for the yearely payment of the ſaid rent accordingly vnto him the ſaid K. after which leaſe and bond ſo made, as aforeſaid, and alſo immediately after your ſaid Orators entrie into the ſame, the title thereof was ſo defended againſt your ſaid Orator, by ſuch as claimed the ſame againſt him the ſaid K. as that the charges thereof ſpent about the recouering thereof, did ſtand your ſaid Orator in aboue 20 nobles, beſides the great trauell and loſſe of time that your ſaid Orator ſuſtained thereby, being yet altogether vnrecompenced at the ſaid K. hands, although hee often promiſed to haue ſome conſi- Sect. 111.

deration

deration thereof towards your said Orator. And whereas also since and immediately after that time, he the said I.L. likewise in the right of his said wife pretended to haue right vnto certaine copihold lands lying in the parish of C. aforesaid, then being in the occupation of your said Orator and other persons, for the triall whereof, there beeing certaine actions depending in the copihold court at Southwell, it was notwithstanding before the triall thereof, as well by the consent of the said B. of the one partie, as also by the assent of your said Orator, and the defendant on the other partie, referred to order and arbitrement of one P. B. and I. B. esquires, that they should order and determine aswell the right, as the possession of the said copihold landes so then in question, which said P.B. and I.B. Esq. being willing the controuersies might haue a good and finall end, and yet themselues hauing no good opportunitie to attend the same, did therefore intreat as well the said I. B. as also your said Orator and the other, that it might stand with their likings, that one P.C. and H.W. of P. for that they were better acquainted with the interest of both the parties, might therefore order and make an end thereof in all points, as should seeme good vnto them, whereunto as well the sayd B. as also your said Orator, with the rest agreed, promising to performe any such order as they the said C. and W. should in that behalfe make and agree vpon: whereupon the said P.C. and the said H.W. taking vpon them the said arbitrement, did thus, or to the like effect, order, agree, and publish their order & award, that your saide Orator should still enioy and continue his possession of the sayd Copihold lands, for, and during so long time as the wife of the said B. should liue, paying yearely for the said Copihold land, vnto the said B. 4.s. rent, and for that he the said B. receiued also another rent of 20.s. by ỹ yere, at two seuerall times, of your said Orator, for the freehold land aforesaid, they the said arbitrators, for the more ease and certaintie of him the said B. did further order and appoint that your said Orator should also pay the said 4.s. rent for the Copihold land, at the same time that the other rent for the freehold was vsed to be payd, which was at Whitsontide and Martinmas, so that from thencefoorth he your said Orator should yearely pay at the dayes aforesaid, the whole and entire summe of 12.s. at euery of the said feasts. And also for that the said Arbitrators did well foresee, that the said entire payment of 12 s. at one day and instant, could not conueniently be paid on the seuerall lands, out of the which they in trueth and law were seuerally issuing, for that the said freehold and copihold land bee distant in seuerall places, therefore the said arbitrators, for the more ease and certaintie of him the said B. did order and appoint, that your sayde Orator should yearely at the daies aforesaid or within 14 dayes after euery of them,

pay

pay the ſaid rent of xij s. at the houſe of one W. W. of M. beeing a friends houſe of him the ſaid R. and alſo far neerer vnto the ſayd R. his dwelling than the land it ſelfe is, vnto which ſaid order and arbitrement, he the ſaid R. together with your ſaid Oratour, did willingly agree and condiſcend: and ſo for the ſpace of ſeuen or eight yeares laſt paſt, the ſaid R. hath alwais receiued his rent accordingly, at the houſe of the ſaid W. W. of M. aforeſaid. Notwithſtanding ſo it is, if it may pleaſe your good L. that the ſaid I. R. meaning, as it ſeemeth, not only contrarie to the ſaid order and award, but alſo contrary to al right, equity, and good conſcience, ſubtilly and extremely to take aduantage of your ſayde Orators bond of xx l. hath refuſed to receiue your ſaid Orators laſt Whitſontides rent, ready for him at the ſaid W. houſe aforeſaid, according to the ſaid order and ward therein made, as aforeſaid. May it therefore pleaſe your good, &c.

A Bill for payment for cattell ſould without preſent monie, or ſpecialtie, by reaſon of truſt repoſed in the vendee.

HVmbly complaining ſheweth vnto your good Lordſh. your dayly Orator W. B. of B. in the county of N. Butcher. That whereas your ſaid Orator about ſix or ſeuen yeares now laſt paſt, ſould and deliuered vnto one R. W. of the ſame towne & countie Butcher, ſix ſteers, and fiue oxen, being all fat cattel, for the price of xl. li. and ten ſhillings, which ſaid ſumme of xl. li. and x. s. the ſaid R. M. then faithfully promiſed to pay vnto your ſaid Orator within a ſhort ſpace then after, and now long ſithence paſt, or elſe when your ſaid Orator would require and demand the ſame of him the ſaid R. W. of which ſaid bargaine and ſecuritie for the ſaid mony, your ſaid Orator was then leſſe careful, for that your ſaid Orator not long before had beene ſeruant vnto the ſayd R. W. and for that the ſaid W. had been maſter vnto your ſaid Orator, therefore your ſaid Orator did truſt him the ſaid W. ſo well, as that he neither toke any ſpecialty or ſecuritie of him the ſaid W. for the ſaid ſumme of xl. li. and x. s. nor prouided any witneſſes to be preſent and to teſtifie the ſame bargaine and contract betwixt them, but onely priuatly betwixt themſelues contracted the ſame. And likewiſe your ſaid Orator priuatly deliuered the ſaid 6 ſteeres, and fiue oxen, vnto him the ſaid R. W. vpon truſt, and performance of his priuate ſpech, and promiſe of payment thereof as aforeſaid, whereupon the ſaid R. W. then preſently receiued the ſaid 6 ſteeres, and 5 oxen at your ſaide Orators hands, and did preſently afterwards conuert the ſame to his owne proper vſe and benefit: before the money paid by him the ſaid W. vnto your ſaid Orator for the ſame, &c. May it therefore pleaſe your, &c. Sect. 112.

A Reioinder.

The ſaid defendant reioyneth and ſaith in all and euerie thing and things, as he in the ſaid anſwer hath ſaid, and doth and wil auerre, iuſtifie, maintaine, and proone the ſame anſwer, and al and euery thing, and things, clauſe, ſentence, article, and allegation therein contayned to be good, iuſt, and true, certaine, and ſufficient in the Law to be replied vnto, in ſuch ſort, manner, and forme, as the ſame beene therein moſt truly ſet forth and declared. And this defendant further ſaith, that the ſaid Replication of the ſaid complainant is verie incertain, vntrue, and inſufficient in the law to be reioyned vnto by this defendant, for diuers apparent faults and imperfections therein contained. And that the ſame is ſo contriued and made by the ſaid compl. for the cauſes in the ſaid anſwer expreſſed, and to the end to giue ſome further colour, or rather ſhaddow for the maintenance of the ſaid Bil without cauſe in this Ho. Court, to the vniuſt veration of this def. as may appeare, for that ſhe the ſaid compl. by the ſiniſter meanes of one T. P. who as it is ſaid, procureth and ſolliciteth the ſame ſuit for the ſaid complainãt againſt this def. hath without all order, as he is informed, cauſed him being a plaine ſimple vnlearned man, to become bounden by oblig. for the proceeding in the ſaid ſuit of this Def. and with ſuch condition whereof this def. is vtterly ignorant of all which this def. hopeth this hon. Court wil haue due conſideration for the puniſhing of ſuch lewd & indirect courſes, and actions therein vſed. And without that, that any other matter, thing, or things, clauſe, ſentence, article, or allegation in the ſaid Replic. contained materiall or effectuall in the Law to bee reioyned vnto by this def. and not here in this his reioynder ſufficiently reioyned vnto, confeſſed, and auoided, denied, or trauerſed, is true. All which matters this def. is readie to auer and proue, as this ho. Court ſhall award, & therefore prayeth as he before in his ſaid anſwer hath prayed.

A Bill vpon putting one to ſeruice with promiſe that the ſeruant ſhall ſerue truly, and that the defendant will ſatisfie all dammages, which ſhall happen to the maſter by the ſame ſeruant, &c.

Sect. 114. Humbly complaining, ſheweth vnto your hon. Lordſh. C. T. of the towne of M. in the Countie of N. Gentleman, That wheras S. N. daughter of S. A. of the towne of A. in the Countie of Yorke, about two yeares now laſt paſt, being deſirous to ſerue your ſaid Orator, and his wife, then dwelling at Rotheram, at an Inne there called the ſigne of the Angell in the ſaid countie of Yorke, was entertained into their ſeruice, at, and vpon the further intreatie of the ſaid S. A. and

vpon

vpon her faithfull promise vnto your said Orator then giuen and made, that the said M. her daughter should during the time of her seruice and abode with your said Orator, honestly, faithfully, and truly behaue her selfe, and serue your said Orator and his wife in all lawfull businesse, and that if any losse or preiudice should befal vnto your said Orator through either negligence, default, or abuse of the foresaid M. in any respect, that then the said A. would vpon notice to her giuen in that behalfe by your said Orator of such losse and detriment in that behalfe sustained, satisfie and recompence your said Orator for the same to the vttermost value thereof. By reason whereof your foresaid Orator entertained and receiued the foresaid M. into his seruice, as is aforesaid. And thereupon the wife of your said Orator deliuered vnto the said M. to her only charge and custodie many and sundrie parcels of plate, Linnen, and also other necessary things for your foresaid Orators behalfe. In which said seruice the said M. remained with your said Orator by the space of one whole yeare then next following. Now so it is, if it may please your said ho. Lordship, during the time of the abode of the foresaid M. in seruice with your said Orator, as is aforesaid, the foresaid M. did not onely secretly and priuily deliuer vnto the foresaid A. S. her mother, diuers of the said parcells of plate, linnen, and other vtensils of your said Orators, to the full value of xx markes, or thereabouts, to and for the vse and behalfe of the said A. But also during the said time, conuerted sundrie other parcels of goods and summes of money receiued of guests that resorted to the said house, appertaining to your said Orator, vnto the onely vse and benefit of the said M. her selfe. By meanes whereof your said Orator was greatly preiudiced and hindered, to his losse of xxx or xl li. or thereabouts, vpon which occasions your said Orator, was inforced to put the said M. forth of his seruice. And although your said Orator hath diuers and sundrie times heretofore notified and made knowne vnto the said A. the losse and hinderance by her sustained, as is aforesaid, by and through the negligence, default, and abuse of the said M. as is aforesaid, and hath required recompence and satisfaction for the said goods so deliuered and conuerted to the vse of the said A. and M. as is aforesaid, according to the promise of the said A. made to your said Orator vpon the entertaining of the sayd M. into his seruice, as is aforesaid, yet the said A. the same to do hath heretofore refused and denied, and still doth refuse & deny to do, contrary to her promise and assumption aforesaid, & against all right, equitie, & conscience. In consideration whereof, & forasmuch as your said Orator is not able to make any due proofe, neither of the certaintie or quantitie of the plate, linnen, and other goods so secretly deliuered to the sayde A. by M. during the time of her seruice, as is aforesaid, or of the sayde

 othe

other goods, conuerted by the said M. to her owne vse, as is aforesayd, nor of the promise made by the said A. vnto your said Orator vpon the retaining of the said M. into his seruice, as is aforesaid, by reason the same was in secret betweene themselues, without calling any other to witnesse the same, whereby your said Orator by the strict rule and course of the common lawes of this Realme, hath no ordinary meanes for recouerie of the same, but onely by suit before your honourable Lordship in the Mu. Maiesties high Court of Chancerie, by the oaths of the sayd A. and M. in whose proprities al the premisses principally lie, and whom your orator thinketh vpon their oaths will reueale, and manifest the truth and circumstance of the same: the premisses considered, may it therefore please your good L. to grant vnto your said orator the M. Maiesties most gratious writ of Subpæna to be directed to the said A. & M. and either of them, commanding them thereby not onely to appeare before your H. in the Mu. Ma. high Court of Chancerie, at a certain day, and vnder a certaine paine therein to be limitted and assessed, then and there to answer to the said premisses, but also to stand to and abide such further order and direction therein, as to your H. wisedome shall bee thought fit and conuenient, and your said Orator shall dayly pray vnto God for the long continuance of your H. in health and prosperity.

The ioynt and seuerall answers of A.S. and M.S. defendants, to the Bill of complaint of C.T. Complainant.

Sect. 16. The said defendants say, and either of them, for himselfe seuerally, saith, That the said bill of compl. against them exhibited into this honorable court, is very vncertaine, vntrue, and insufficient in the law to be answered vnto by the said defendãts, or either of them, for diuers manifest & apparent faults and imperfections therin contained, & deuised & exhibited into this honorable court of mere malice and enuie, only to the intent, not only to vexe and trouble the defendants, being very vnable and vnmete vpon the sudden, w̃ long and tedious iourneys to make their personal apparances in this honourable Court, being aboue 120 miles distant from the town of A. in the County of H. where these defendants now dwell, but also to wearie these defendants, in such sort, as they might extort and wring from these defendants some consideration for the stay of the foresaid suit, bee it neuer so vntrue, and without any iust cause or colour of cause so to do, neuertheless if these defendants shall by the order of this honorable Court be compelled to make any further or other answer to the said vncertaine and insufficient Bill of complaint, then the aduantage of exception to the manifest incertaintie and insufficiencie of the same bil of cõplaint to these defendants,

and

and either of them at all times hereafter saued, for answere thereunto, and for a manifest declaration of the truth, touching the contents of the same bill, these defendants say, and either of them for himself seuerally saith, that about the time mentioned in the said bill of complaint, ẏ said M. S. the other of these defendants was entertained to serue the saide complainant and his wife for the terme of one yeare, next ensuing the time of such her retainer, for xvj. s. wages for the same yeare without the knowledge of the said A. S. the other of these def. vntill that shee the said M. was so with them retained. And these defendants further say, ẏ by vertue of the same retainer, the said M. did honestly, faithfully, and truely behaue herselfe, and did serue the said compl. and his sayd wife in all lawfull businesse accordingly, during all the said yeare, and that to her knowledge no losse nor preiudice did befall vnto the sayde compl. through the negligence, default, or abuse of the said M. in any respect during the same yeare. And that in the end thereof she departed from them with their fauour and good will, at her owne request, without that, that shee the said M. was entertained in their said seruice, at and vpon the entreaty of the said A. S. and vpon her faithfull promise vnto the sayd compl. then giuen and made, ẏ the said M. her said daughter should during the time of her seruice and abode with the said compl. honestly, faithfully, and truely behaue herselfe, seruing him and his said wife in all lawfull businesses, and that if any losse or preiudice should befall vnto the saide complainant through the negligence or abuse of her the said M. in any respect, that then she the said A. S. vpon notice to her giuen by the said complainant, of such losse and detrimẽt, in that behalfe sustained, would satisfie and recompence the said complainant for the same to the vttermost value thereof, or that by reason thereof the same complainant entertained and receiued M. in his sayd seruice, as in the said bill is vntruely alledged. And the sayd defendants further say, that albeit shee the sayd A. S. hath made vnto the said complainant any such promise as hee in his bill of complaint supposeth (as in very trueth shee did not) yet were the same promises voyd in law, and of no validitie or force to binde here thereby: for that the said A. at the time of the sayde surmised promise was couert with I. S. her husband. And without that, that vpon such promise the said wife of the said complainant deliuered vnto the said M. to her charge and custodie many parcels of linnen, and other necessarie things and furniture for the sayde complainant in his behalfe in any other manner than as to euery other ordinarie seruant in the same house in the like case, without taking vpon her any speciall charge for the keeping thereof, as in the saide bill of complaint it is very vntruely alledged, and without that, that during the same time of the saide abode of her the

ſaid M. in ſeruice with the ſaid compl. as afore ſaid, & ſaid M. did either ſecretly deliuer vnto the ſaid A. &. her ſaid mother diuers or any of the ſaid parcels of plate, linnen, & other goods, for the vſe & behoſe of ſ ſaid A. &. or during the ſaid terme conuerted ſundry or any other parcels of goods, & ſums of money receiued of gueſts ſ reſorted to the ſaid houſe appertaining to the ſaid compl. vnto the vſe & benefit of the ſaid M. her ſelfe, by meanes whereof the ſaid compl. was greatly preiudiced and hindred, to the loſſe of 30 or 40 li. or thereabouts, or that vpon ſuch vexations the ſaid complainant was enforced to put the ſaide M. from his ſeruice, for that the ſaid complainant hath diuers and ſundry times heretofore notified & made knowne vnto the ſayd A. the loſſe and hurt he ſuſtained, as is afore ſaid, by and through the negligence, default and abuſe of the ſaid M. as is afore ſaid, & required recompence and ſatiſfaction for the ſaid goods ſo ſuppoſed to be deliuered, and conuerted to the vſe of the ſaid A. & M. as is afore ſaid, as in in the ſaid bill of complaint is moſt vntruely alledged. And without that, that any other matter, thing or things, clauſe, ſentence, article, or allegation in the ſaid bill of complaint contained, materiall or effectuall in the law to bee anſwered vnto by theſe def. or either of them, & not herein in their anſwer ſufficiently anſwered vnto, confeſſed, & anoyded, denied, or trauerſed, is true: all which matters theſe def. and either of them are ready to auerre and proone as this H. Court ſhall award, and therefore they pray to be diſmiſſed out of the ſame Court with their reaſonable coſts & charges in this behalfe wrongfully and without cauſe ſuſtained.

The Replication to the ſame Anſwere.

Sect. 116 THe ſayd compl. ſauing to himſelfe all aduantages of exception to the incertainties and inſufficiencie of the ſaid defendãts anſweres, for replication ſaith as he before by his ſaid bill hath ſaid. And doth and will auerre, iuſtifie, and maintaine his ſaid bill, and all and euery thing and things therein contained to be good, iuſt, and true, in ſuch ſort, maner and forme as in & by the ſame is moſt truly ſet foorth and declared. And that the anſweres of the ſaid defendants are vncertaine, vntrue, and inſufficient in the lawe to bee replied vnto for diuers vntruths and imperfections therein contained, without that, that the ſaid M. one of the ſaid defendants did honeſtly, faithfully, and truely behaue her ſelfe in the ſeruice of the ſayde complanant, as by the ſame defendant in their ſaide anſweres is vntruely alledged, for this ſaide complainant ſayth, as hee before by his ſaid Bill hath ſaid, that the ſaid M. one of the ſaide defendants, did ſecretly deliuer to the ſaid A. the other defendant, diuers parcels of the goods of the ſayde complainant, that

the ſaid defendants moſt wrongfully detaine & withholde frō him ẏ ſaid compl. againſt right & equity, and further the ſaid compl. ſaith and will auerre and prooue, ẏ the ſaid A. one of the ſaid def. did giue her faithful promiſe to ſatiſfie and pay vnto the ſaid compl. the vttermoſt value of euerie loſſe or hinderance the ſaid compl. ſhould ſuſtaine by the ſaid Y. as by his bill is moſt vntruely ſet forth and declared, without that, that any other matter or thing in the ſaid defendants anſwer contained materiall or effectuall, to be replied vnto, and hereby not ſufficiently replied vnto, is true. All which matters the ſaid complainant is readie to auerre & prooue, as this honorable court ſhall award, and prayeth as hée before by his ſaid bill hath prayed.

A Bill for entring into and detaining copiholde lands ſold to the defendant to the Plaintifes Grandfather, which deſcended to the plaintife, beeing an infant, the ſaid entrie beeing made, by reaſon that the copie and court-roll of the ſaid bargaine came to the defendants hands.

HVmbly complayning, ſheweth vnto your honorable L. your daily Orator F. Y. of W. in the countie of Yorke Gentleman, That whereas about the xxiij. day of Septemb. in the third yeare of ẏ raign of the late King of famous memory Edward the vj. one Chriſtopher Barter late of F. in the ſaid countie huſbandman, was lawfully and rightfully ſeiſed in his demeſne as of fee, as a Copiholder, according to the cuſtome of the mannor of the Prebend of Laghton, in the ſaide county, of, & in one cuſtomarie meſſuage or tenement, & one Organge of land, with the appurtenances in F. aforeſaid: & in another meſſuage or tenement, and 30. acres & a halfe of land with the appurtenances in F. aforeſayd and he being thereof ſo ſeiſed about the time aforeſaid for a certaine great ſumme of money to him paied by F. Y. of W. aforeſaid grandfather of your ſaid Orator, did ſurrender according to the cuſtome of the ſaid manor, the ſaid cuſtomarie tenements and premiſſes, with the appurtenances, into the hands of the then Lord of the ſaid manor, to the vſe of the ſaid F. Y. the grandfather and his heires for euer: by force whereof the ſaid F. Y. the grandfather was thereof admitted tenant accordingly, and was of the ſame as a copiholder lawfully ſeiſed in his demeſne as of fée, by, and according to the cuſtome of the ſaid manor and the rents, iſſues, and profits thereof arriſing and growing, did likewiſe lawfully take and conuert to his owne vſe, by the ſpace of diuers yeares, and afterwards the ſaid F. Y. the Grandfather beeing thereof ſo ſeiſed of the ſaid tenements and premiſſes, died thereof ſo ſeiſed, about the ſecond yeare of the raigne of the Queenes moſt excellent Maieſtie that now is. By and after whoſe death the ſaide tene- Sect. 117.

ments and premisses discended & came, & of right ought to discend and come to your said Orator, being then of very yong and tender yeares, viz. about the age of fiue yeares, as next cosine and next heire vnto the said F. H. the grandfather, that is to say, sonne of T. H. sonne and heire of the said F. H. the grandfather: but now so it is, if it may please your good L. that after the death of the said F. H. the grandfather, all the copies of Court rols of the said manor, and the very Court rolls themselues concerning the premisses, did by casuall meanes come vnto the hands, custody, and possession of the said C. B. and one T. G. of T. in the said County husbandman, or to the hands of one of them, which they or the one of them haue cancelled and defaced, intending thereby vtterly to disinherit your said orator of any of the same tenements, and premisses, & by colour thereof, shortly after the death of the said F. H. the grādfather, the said C. B. did wrongully abate and enter into the said tenements & premisses. And euer since his said wrongfull entrie, viz. by the space of xviij yeres, or thereabouts, hath wrongfully occupied the premisses, or the most part therof, and receiued, taken, and conuerted to his own vse, the rents, issues, and profits of the said tenements and premisses, and will not by any meanes permit or suffer your said orator to enter, meddle, or haue to do therwith. And notwithstanding that ỹr sayd orator, not onely by himselfe, but also by his friends, hath in gentle and quiet maner diuers times come vnto the said C. & T. gently requiring them to deliuer vnto him your said orator, ỹ said copies of Court rols, and to make reasonable recompence and satisfaction vnto him your said orator for the rents, issues, and profits of the said tenemēts & premisses, so as is aforesaid by the said C. wrongfully receiued according to your said orator his good right and title thereunto, yet ỹ to doe, they & either of them haue euer hitherto refused and denied, & yet do refuse & deny to do ỹ same, against all right, equitie, and good conscīēce, and to ỹ disinherison of your said Orator of and in the premisses, and to his great losse and hindrance, if spēdie remedie be not by your good L. in this H. court spēdily prouided to preuent the same. In tender consideration wherof, and for so much as your said orator not knowing the certaine number, dates, or contents of the said copies and Court rolls, nor wherein they or any of them be contained, in bag, box, or chest, locked, sealed, or open, is therefore without all remedie by the due course of the common lawes of this realme to recouer the same, and for lack thereof your said orator is very like to lose the said tenemēts and premisses, & for that also that the contents of the said bargaine, and surrender of the said tenements and premisses, so as is aforesaid, made betweene the said F. H. grandfather and the said C. B. cannot now otherwise bee prooued, than by answer of the said C. B. and T. G. made vpon their Othes in this

honorable

honourable court, all such persons as were witnesses of the same bargaine, being now either dead, or else vtterly vnknowne vnto your saide orator, being so yong, as it is aforesaid, at the time of the making of the same. May it please your honorable Lo. to graunt vnto your said orator the Mr. Maiesties most gratious writ of Subpœna, to be directed vnto the said C. & M. straightly commanding them and either of them at a certaine day, and vnder a certaine paine therein to be limitted, to appeare before your L. in her Ma. hight court of Chancerie, then & there to answere to the premisses, & to abide such order and direction therein, as to your L. shall seeme to stand with right, equitie, & good conscience, and your said orator shall dayly pray to Almightie God for your honor in good health long to continue, &c.

A Bill by the husband and wife, as guardians to her child for euidences.

Sect. 118.

IN most humble wise complaining, sheweth vnto your good Lordship, your poore & daily orator I. W. of B. in the countie of D. yeoman, and I. his wife, late the wife of I. S. the elder of B. aforesayd yeoman now deceased. That whereas the said I. S. in his life time was lawfully seised in his demesne, as of fee, of, and in one messuage or tenement, commonly called Y. & of and in certaine lands, meadow, and pasture, and other hereditaments, with the appurtenances, to the saide tenement belonging, and with the same vsually occupied, scituate, lying, and being in B. aforesaid. And he the said I. S. being of the premisses so seised, did in his life time conuey and assure the same vnto certaine persons, & their heires, to the vse of the said I. and of the said I. then his wife, and of the longer liuer of them, without impeachment of wast. And after their deceases, to the vse of the heires of their two bodies lawfully begotten, with diuers remainders ouer, by force whereof the said I. S. and the said I. then his wife, were thereof seised accordingly. And so seised, the said I. S. about three yeares now last past, died seised of such estate, as aforesaid, hauing issue betweene him & the said I. one I. S. an infant of the age of two yeares, or thereabouts. After whose death the said I. held her selfe in the said messuages, and lands, and was thereof seised accordingly. And so seised, tooke to husband the said I. W. the other of your said orators, by force of which entermarriage the said I. W. and the said I. were lawfully seised of the premisses, as in the right of the said I. And your said orators haue also the custodie of the said I. S. the infant, rightly belonging to the said I. his mother as Guardian in Socage. Now so it is, if it may please your good Lordshippe, that certaine deedes, euidences, and writings, touching & concerning the premisses, & of right belonging to your said ora-

orators, & the said infant, or to the one of them, are casually come to the hands and possessions of T.C. of B. aforesaid, & I.S. of Y. being kinsman vnto the said I.S. of B. the elder deceased, who by colour of hauing the said deeds, euidences, and writings, haue wrongfully entred into the premisses with the appurtenances, & thereupon haue contriued certaine secret estates vnto diuers persons vnknowne to your said orators, and by colour thereof, they the said T.C. and I.S. of Y. or the one of them of late time hath wrongfully entred into the premisses, & hath receiued and taken the issues and profits of the premisses or some part thereof from your said orators, and although your said orators haue diuers and sundry times gently requested the said T.C. and I.S. of Y. to permit and suffer your said orators quietly to haue & enioy the same premisses, & to deliuer vnto your said orators the said deeds, euidences, and writings, touching and concerning the premisses, & which of right doe belong and appertaine vnto your said orators, and to the said I.S. the infant, yet they the same to doe haue hitherto refused, and yet doe refuse, contrarie to all right, equitie, & good conscience, which is likely to turne, not onely to the losse and hinderance of your said orators: but also to the preiudice and disinheritance of the said infant, if speedy redres herein be not had by your good Lo. In consideration whereof, & forasmuch as your said orators doe not know the certainty nor certain number of the said deedes, euidences, writings, nor whether the same bee contained in bagge or bore, sealed, or in chest locked, & so your orators and the said infant are without any ordinary remedy for the recouerie of the same by the common laws of this realme. And for that your said orators doe hope, that the same T. and S. will vpon their oaths in this honorable Court, confesse the certaintie and trueth therein, where the said euidences are to be had, or to whom they haue deliuered the same. May it therefore please your good L. the premisses considered, to graunt vnto your said orators the Queenes Maiesties &c.

The answere of the same.

Sect. 119. The said defendants say, and euerie of them seuerally saith, that the said bill of complaint is verie vncertaine, vntrue, and insufficient in the law, to be answered vnto for diuers manifest defaults and imperfections therein contained and framed, and exhibited into this honorable court, as these defendants verily think of malice and euill will, to the intent to put these defendants to great trauaile, charges, and expences, to make their personall appearance in this honorable Court, the said defendants dwelling in B. aforesaid, in the said county of D. which is 120. miles distant from the citie of Westminster, and without

without any iuſt cauſe ſo to doe, and theſe defendants further ſay, that if the ſurmiſed matters contained in the ſaide bill of complaint were true, as in very trueth they are not, yet were the ſame determinable, and to be determined by the common lawes of this realme, and not in this honorable court, whereunto theſe def. pray to bee diſmiſſed with their reaſonable coſts, charges, and damages in this behalfe wrongfully and without iuſt cauſe ſuſtained, yet neuertheleſſe, if theſe def. ſhall bee compelled by the order of this Court, to make any further or other anſwere vnto the ſaide vncertaine and inſufficient bill of complaint, then the aduantage of exception to the incertaintie and inſufficiencie thereof to theſe defendants and either of them at all times hereafter ſaued, for further anſwere thereunto, and for a full and plaine declaration of the truth, ſay, that they thinke it is true, that the ſaid I. S. was in his life time lawfully ſeiſed in his demeſne as of fee, of, and in the ſaid meſſuage or tenements commonly called the Y. and of, and in certaine lands, meadow, and paſture, and other hereditaments with the appurtenances to the ſaid tenements belonging, and with the ſame vſually occupied, ſcituate, lying, and being in B. aforeſaid, as in the ſaid bill of complaint is alledged, but the ſaid defendants further ſay, that the ſaid tenements in the ſayd bill of complaint contained, as they verily beleeue, are holden of the right hon. G. Earle of S. of his mannor of C. in the ſaid county of D. by knights ſeruice, and by the yearely rents of two ſhillings. And that he being thereof ſo ſeiſed, and the ſaid Earle being alſo ſeiſed in fee, of the ſaid mannor, as theſe defendants thinke, died thereof ſo ſeiſed, by, and after whoſe death the ſayd tenements and premiſſes in the ſaid bill mentioned, deſcended and came to the ſayde I. S. the ſonne, as ſonne and heire of the ſaid I. S. deceaſed, who is yet within the age of one and twentie yeares, by meanes whereof the ſaid Earle after the death of the ſaid I. S. the father, as guardian of the ſaid I. S. infant, during his minority, by reaſon of the tenure aforeſayd, ſeiſed the body of the ſaid I. S. ỹ infant, without that, that to the ſaid defendants knowledge, the ſaid I. S. the father beeing of the premiſſes ſeiſed in fee, did in his life time conuey and aſſure the ſame premiſſes vnto certaine perſons and their heires, to the vſe of the ſayd I. S. and of the ſayd I. then his wife, and of the longer liuer of either of them, without impeachment of waſt, and after their deceaſe to the vſe of the heires of their two bodies lawfully begotten, with diuers remainders ouer, as in the ſaid bill of complaint is vntruly alledged, or that to theſe defendants knowledge, by force thereof the ſaid I. S. and the ſaid I. S. then his wife being thereof ſo ſeiſed, died thereof ſo ſeiſed, or that to theſe defend. knowledge, after his death the ſaid I. held her ſelfe in the ſaid meſſuages, lands, and premiſſes, and was

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therof so seised accordingly, by force of any such conueiance, or that the being thereof so seised, take to husband the said I. W. or that by force of the said entermarriage the said I. W. and the said I. to the knowledge of these defendants, were so lawfully seised of the said premisses, in the right of ỹ said I. as in the said bill is alledged. And without that, that to these defendants knowledge the said I. W. and I. haue the custody of the said I. S. the infant rightfully belonging to the said I. as Gardein in Socage, as in the said bill is likewise alledged. And without that, that any deeds, euidences, and writings, touching and concerning the premisses, and of right belonging to the said infant, or to one of them, are casually come to the hands, custodie, and possession of the said defendant other than such deeds, euidences, and writings, as the sayd I. did deliuer vnto the saide T. S. the one of these defendants which he the sayd T. about one yeare now last past, or more, vpon the receipt of the Queenes Maiesties writ of Subpœna delinered to I. L. late of Y. Yall in the Countie of D. Gentleman, to the vse of the said infant, which as he remembreth was done by appointment or agreement of the said I. And other then another old deed or writing without date, containing these words following, or the very like in effect & meaning, viz.

Sciant presentes & futur̃ qd ego Ioh. filius Tho. de B. dedi concessi, & hac præsenti charta mea confirmaui Durantò de Toxwood pro homag', & seruitio suo, & pro quadam pecuniæ summa mihi præ manib' soluta, totã terram meam quæ vocatur le Haule cliffe in territorijs de B. cum boscis, pratis, pascuis, pasturis, & omnibus suis pertineñ, sine aliquo retento, quæ iacet integre in latitud' inter viam quæ ducit versus terrã quam L. de L. quondã tenuit, & extendit se in longitudiñ de meta de B. vsq; ad terrã Abat̃ de R. & terram quæ fuit A. F. & terrã R. de le Scagh, vna cum tota illa tra cũ domib' & edificijs in ea sitis, cũ omnib' suis ptiñ, quã R. de T. quondam tenuit, quæ iacet integre inter terras, &c. and without that, that any other matters, &c.

A Bill to be discharged of a Recognisance for the saving of lands sold harmelesse, for that a lease made thereof by which he seemeth to be dammified, was either made in trust or by surrender, before the said bargaine, with an answere, replication, and reioynder to the same Bill.

Sect. 120. COmplaining, sheweth vnto your hon. Lordship, George Earle of Shrowsbury, that whereas Sir W. S. knight Lord M. deceased, in his life time, about nine yeares now past, was lawfully seised of an estate of inheritance amongst other lands and tenements, of the third

part

part of the scite and mansion house of the late dissolued Abby, Monastrie, or Priorie of B. in the County of L. and of all and singular messuages, houses, edifices, buildings, Orchards, Gardens, fishings, Ponds, lands, tenements, meadowes, pastures, commons, and hereditaments, w^th the appurtnances to the said scite belonging, then or late in the occupation of F.S. and afterward in the occupation of one M. and the sayd L.M. being therof so seised about the 16 day of Dec. in the 7 yere of the raigne of our soueraigne Lady the Qu. Maiestie that now is, of speciall and secret trust and confidence by him the said Lo. M. repосed in one W.S. of M. in the County of S. gentleman, and M. his wife, or of one of them, did make an Indenture bearing date the 16 day of Sep. in the said 7 yeare of a demise of the said third part of the said scite, lands, tenements, and hereditaments, with the appurtenances to the said W. S. and M. his wife, to haue and to hold the same vnto the said W. S. and M. from the deceasse of R.T. of S. for and during the terme of 77. yeares then next ensuing, as by the said Indenture appeareth. And deliuered the said Indenture to be deliuered as his Deed, when the sayd W.S. had performed certaine conditions and agreements betweene them made, vpon which Indentures made by them, it was neuer intended nor agreed, that the said W.S. and M. his wife, or their Executors or assignes, or any of them, should take any benefit to the: but that the same lease should be surrendred, and at all times disposed at ỹ pleasure of the said Lo. M. by force whereof the said W.S. and M. were possessed of the interest of the said terme accordingly, and being therof so possessed, And the said Lo. M. beeing seised of the said R. of the third part of these tenements and premisses of an estate of inheritance, afterwards, that is to say the 18 day of May, in the 17 yeare of the Raigne of our said soueraigne Ladie, the said Lo. M. by Indenture bearing date the said day and yere, did bargaine and sel the said third part of the said premisses among other things to one J.C. of C. in the County of S. Esquire, and F.S. of S. in the said Countie Gentleman, and their heires for euer, by which last recited Indenture, the said Lord M. for him and his heires did couenant and grant, to and with the said J.C. and F.S. and either of them, that as well the said J.C. and F.S. their heires, and assignes, as all the said manors and tenements, by the sayd Indenture to them bargained and sold, at the insealing and deliuery of the same Indentures, were discharged, eronerated, or saued harmelesse, and from thencefortth at all times, and from time to time hereafter for euer, should be discharged, eronerated, acquited, or saued harmelesse by the said W. Lord M. his Heires, Executours, and Administrators, of and from all and singular gifts, Grants, Leases, charges, and incumbrances, had, made, graunted, or suffered in, or to the premisses,

or any part or parcell thereof, by the said Lord M. or by any other person or persons whatsoeuer, other than the said estate of the said K. S. late Duchesse of S. and certaine other things, in, and by the saide Indenture excepted, as by the said Indenture appeareth. For performãce of which couenant of the said indenture, the said Lo. M. Eagle, the 9. day of June in the said 19. yeare, became bounden vnto the saide I. C. and vnto one M. S. of I. L. in the countie of B. esquire, by recognisance knowledged in this high Court of Chancerie in the summe of two thousand pounds, as thereby appeareth. And shortly afterwards, that is to say, about fiue yeares now last past, the said K. late D. of S. died, and the sayd I. C. and F. S. entred into the manors, tenements, and premisses with the appurtenances, and were, and yet bee thereof seised in their demesnes as of fee, by force of the saide conueyance, and the profits thereof arising and comming to their owne vse tooke, and yet doe quietly so take the same without any interruption, let, or troubls of the said W. S. and M. his wife, and their assignes, and euerie other person or persons, according to the couenant, true intent, and meaning of the said indenture of bargaine and sale. And afterwards that is to say, about fiue yeares now last past, the sayd Lord M. for the summe of fiue thousand pounds, or thereabouts, did bargaine and sell to the said Earle and his heires, the manno of B. in the countie of M. and diuers other lands and tenements in B. and other places in the said countie, by force whereof the said Earle was thereof lawfully seised in his demesne as of fee, and the issues & profits thereof arising and growing, did quietly take and conuert to his owne vse, from the time of the bargaine, during all the life time of the said Lord M. and W. S. which was by the space of three yeares after the death of the said Duchesse or thereabouts. And afterwards, that is to say, about fiue yeres last past, the said M. died, since whose death the said I. C. M. S. F. S. T. H. D. W. M. and I. T. and the sayd M. late wife of the saide W. S. and executrix or administratrix of the said Will, as the saide Earle is informed, by the agreement and priuitie of Ed. Lo. Morley, and the Lady Elizabeth his wife, daughter and heire of the said Lord Mounteagle, hauing gotten into their hands the said indenture of demise, albeit that the said T. performed not the conditions and couenants betweene him the saide Lord M. amongst themselues, did conceale and frustrate the said trust reposed by the saide Lord M. in the saide W. S. and M. or the one of them, to the intent to extend the sayde Recognisance of two thousand pounds, vpon the saide manno of B. And such other landes and tenements as the saide Earle hath purchased of the saide Lord M. contrarie to the good meaning of the saide Lord M. contrary to the great trust and confidence by him reposed

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in the said W. S. and M. his wife, and the true meaning of the said indenture of lease. And for that purpose haue procured the said estate and interest of the said W. S. and M. of the third part to bee conueyed to the said M. to the intent that the said W. M. should enter into the said third part so leased, as is afore said, to disturbe the possession of the sayd C. and F. S. which he hath done accordingly, to the intent that therby the said J. C. and M. S. might haue some colour to extend the said Recognisance of 2000. li. against the saide Earle, notwithstanding that the sayd J. C. and F. S. euer since the entrie of the said M. haue quietly occupied the said demised third part, and yet doe quietly occupie the same, not hauing had any damage thereby to the value of twelue pence by reason of the said lease. All which notwithstanding, if it may please your good Lo. the said M. S. F. S. and J. C. haue procured execution of the said Recognisance of 2000. li. to bee sued against the said Earle by Processe out of this honorable Court, according to the forme and effect of the said Recognisance, for that as they suppose, the said third part is charged with the sayd lease thereof made to the said S. and his wife, and assigned by the said S. to the said W. M. who by force thereof hath entred into the sayd third part, and disturbed the possession of the sayd J. C. and F. S. and their assignes: And for that by meanes therof the said mannors, lands, and tenements to them bargained and sold by the sayd Lord M. in forme aforesaid, were not saued harmelesse by the sayd Lo. M. or his heires, of, and from all and singular leases had, made, or granted of the said mannor and other the premisses mentioned in the said indenture of bargaine and sale, according to the forme and effect thereof, which said practise and compact is much against the sayde truste and meaning of the said Lo. M. reposed in the said W. S. and M. his wife, and against the true meaning of the sayd Indenture and Recognisance, tending to the great losse and damage of the said Earle, and against all right, equity, and good conscience, if the said purpose should not by equity and consideration of this honorable court bee preuented and met withall: In consideration whereof, and for so much as, aswell the saide truste touching the said lease, as the saide compact and agreement amongst the said parties to extend the said Earle his sayd landes by reason of the sayde Recognisance by matters secretly agreed vpon amongst themselues, the saide Earle not knowing any witnesses which were present at the making thereof, so that the said Earle can very hardly make such proofe in this hon. Court thereof, or of the saide conditionall deliuerie of the said Indenture, as is necessarie in that behalfe, vnlesse the said parties or some of them will confesse the same in their answeres vpon their oathes in this honorable Court, as the sayd Earle verily thinketh they will. And forasmuch also as it is verie

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likely, that the ſaid Lo. M. would neuer haue entred into the ſaid Recognisance of 2000.li. for the perfourmance of the ſaid couenants of the ſaid indenture of bargaine and ſale, without making exception therein of the ſaid leaſe, if the ſaid leaſe of ỳ ſaid third part before the making of the ſaid indenture of bargaine and conueyance, had not bin ſo deliuered of credit and of truſt fruſtrated or granted ouer to the ſaid W. M. or ſome other by ỳ conſent & agreemẽt of the ſaid I. C. and F. S. for their benefit, for the auoyding of new charges growing between the making of the ſaid leaſe and the ſaid bargaine. And albeit as well the other two parts of the ſaid lands, as all other lands and tenements, with the appurtenances, bargained and ſold by the ſaid Indenture, were & be clearely diſcharged of all incumbrances, according to the true meaning of the ſaid Indenture, it may therefore pleaſe your good L. ỳ premiſſes conſidered, to graunt vnto the ſaide earle the M. Maieſties moſt gracious writ of Subpœna to be directed vnto the ſaid I. C. M. S. E. L. M. and E. his wife C. D. W. M. I. T. & M. commanding them and euery of them, at a certaine day & place, & vnder a certaine paine therein to be limitted, to be and perſonally to appeare before your good Lo. in the M. Maieſties high court of Chancery, then and there to anſwere vnto the premiſſes, and to abide ſuch further order and direction therein, as to your hon. ſhall ſeeme to ſtand with right, equitie, and good conſcience. And the ſaid Earle, &c.

A bill for that the defendant by meanes of entermarriage with the wife and executrix of one, who by caſuall meanes got the poſſeſſion of one deede of demiſe indented made vnto the plaintife, detaineth the ſaid demiſe and by colour thereof doeth occupy the tenements demiſed and taketh the profits to his owne vſe.

Sect. 116.

IN moſt humble wiſe complaining ſheweth vnto your good Lo. your dayly Orator I. M. of B. in the County of M. That whereas one T. C. of D. within the County of P. did by his deede indented of demiſe about the 15. yeare of the raigne of our Soueraigne Ladie the M. Maieſtie that now is, demiſe and graunt to your ſaid Orator, ten acres of land, fiue acres of meadow, and fiue acres of paſture with the appurtenances, lying and being in B. aforeſaid: To haue and to hold to your ſaid Orator and his aſſignes, for the terme of 21. yeares, from and after a certaine day therein expreſſed, if the ſaid T. C. ſhould ſo long liue, for the yearely rent of twentie ſhillings, payable at the feaſt of P. & Saint M. the Biſhop in winter, by euen portions. But now ſo it is, if it may pleaſe your good Lordſhip, that the ſaide Indenture, the certaine date or contents whereof, your ſayd Lordſhippes Ora-

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for knoweth not, before the day when the ſaid Leaſe ſhould begin and take effect, did by ca ſuall meanes come to the hands, cuſtody, and poſſeſſion of one I. W. who made his Will and Teſtament, and therin appointed E. then his wife, his ſole executrix, and died, by and after whoſe death the ſaid Indenture came into the hands and cuſtodie of the ſayd E. ſince which time the ſaid E. did marie, and tooke to huſband one R. I. of B. by reaſon of which intermariage the ſayd Indenture is now come to, and remaineth in the hands, cuſtodie, and poſſeſſion of the ſayd R. I. and E. his wife, or of the one of them, who by reaſon of having of the ſaid Indenture, without any iuſt title or intereſt therein, haue entred into the ſaid premiſſes with the appurtenances, and will not in anie wiſe quietly permit and ſuffer your L. ſaid Orator to haue and enioy his ſaid terme, of and in the premiſſes, according to his lawfull right and intereſt therein, but contrary to all equitie and good conſcience, haue euer ſince taken and conuerted, and as yet doe dayly take and conuert the iſſues to their owne proper vſe and behoofe, and will neither deliuer vnto your Lo. ſaid Orator the ſaid Indenture, nor permit and ſuffer him to haue and peaceably enioy the ſaid premiſſes, as aforeſaid, or any part thereof, although your ſaid Orator hath at diuers and ſundrie times required them ſo to do. In conſideration wherof, and foraſmuch as your L. ſaid Orator is without all helpe and remedie at the common law, for that he knoweth not, nor remembreth the dates or contents, or any other certainty of the ſaid Indenture, May it pleaſe your good Lo. to grant her Maieſt. gratious writ of Subpæna, to be directed to the ſaid R. I. and E. his wife, and to either of them, commanding them and either of them thereby, perſonally to appeare before your honor in her M. high court of Chancerie at W. at a certaine day, vnder a certaine paine by your honor therein to be limitted, there, &c.

A Bill againſt an Infant for boording, and apparell deliuered to him by the Plaintife, and for not performing of a Leaſe.

Sect. 122.

IN moſt humble wiſe complaining, ſheweth vnto your honourable Lordſh. your daily Orator T. T. of B. in the countie of D. Husbandman: That whereas about foure yeares now laſt paſt, one G. G. of B. aforeſaid Yeoman, being ſeiſed in his demeſne as of fee, of and in diuers lands, Tenements, and hereditaments, with their appurtenances in B. aforeſaid, holden in Socage of I. S. as of the Manor of D. which ſaid Tenements and premiſſes the ſaid G. B. had by deſcent, by and after the death of B. his late father, and the ſaid G. B. beeing thereof ſo ſeiſed, and being of the age of xx yeares, or thereabouts, and vnder the age of xxi yeares, about the xx day of July, which was in the

the thirtieth yeare of the raigne of the Qu. moſt excellent Maieſty that now is, by meanes, councell, procurement, and perſuaſion of diuers euil diſpoſed perſons (that is to ſay) one A.E.I.Y.W.Y.T.C.Y.Y.N. Y.W.Y. and D.M. intending by their vngodly compact and practiſe, to make a prey of the ſimplicitie of your ſaid Orator, being an ignorant vnlearned man, the ſaid G.B. came vnto your ſaid Orator, pretending that he did then beare great good will and fauour to your ſaid Orator, and therefore intreated your ſaid Orator that he might board and remaine with your ſaid Orator in his houſe of B. aforeſaid, and not only haue meat, drinke, and lodging, but alſo ſuch apparell and raiment as your ſaid Orator ſhould thinke meet and conuenient for his degree and calling, at the coſts and charges of your ſaid Orator, promiſing faithfully and fully to ſatiſfie your ſaid Orator for all ſuch charges and expences as hee by reaſon of the premiſſes ſhould in any wiſe ſuſtaine. Wherefore your ſaid orator giuing credit vnto the ſaid G.B. in the premiſſes, and thinking that that he had faithfully promiſed he would fully and effectually haue performed, did then fully conſẽt & agrée, to and wᵗ the ſaid G.B. to find him meat, drink, lodging, and apparel, as is aforeſaid, for the conſideration promiſed as is aforeſaid: by pretence whereof, the ſaid G.B. about the ſame time came to the ſaid houſe of your ſayd orator, and remained there with your ſaid orator vntil about the ſecond day of Febr. then next following, during all which time your ſaid orator at his owne proper coſts and charges, did prouide and find for, and vnto the ſaid G.B. all manner of neceſſary meat, drinke, lodging, apparell, and al other things neceſſary for him. About which ſecond of Febr. the ſaid G.B. pretending to continue his ſaid fauour and good will towards your ſaid orator, by the like councel, meanes, and perſuaſion of the ſaid euill diſpoſed perſons, and by their compact and agrément, did demiſe and leaſe vnto your ſaid Orator, all, or the moſt part of all the ſaid meſſuages, tenements, and premiſſes, that he the ſaid G.B. ſo had, as is aforeſaid, by diſcent from his ſaid father, To haue and to hold the ſaid tenements and premiſſes, with the appurtenances, to him and his executors and aſſignes, from the feaſt of the Annunciation of the bleſſed virgin Mary then next enſuing, vnto the end and terme of three yeares then next inſuing, your ſaid orator and his aſſignes yeelding and paying therefore at the end and expiration of the ſaid terme of three yeares xx li. of lawfull Engliſh money. And alſo finding vnto the ſaid G.B. during the ſaid terme of three yeares conuenient lodging, meate, drinke, apparell, and alſo keeping for the ſaid G.B. twenty ſheepe, by reaſon of which demiſe, your ſaid orator about the ſaid Feaſt of the Annunciation of the bleſſed Virgin Marie, did enter into the ſaid demiſed meſſuages, tenements, and premiſſes, and occupied the ſame meſſuages, te-

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nements, and premisses, by the space of 2 yeres, or therabouts, and dur-
ing the same time, did at his owne costs and charges prouide and find
vnto the said G.B. conuenient meat, drinke, lodging, and apparell, and
also his 20 sheep, according to the said agreement, and besides those 20,
fattie sheep more at the least, to the charges of your said Orator, of one
hundred markes at the least. But now so it is, if it may please your
honourable Lordship to vnderstand, that about the first day of March,
which was in the 32 yeare of our soueraigne Ladie the Qu. Maiesties
raigne that now is, your said Orator hauing then inned into the barnes
of the said tenements and premisses fortie loads of hay, or thereabouts,
part thereof did grow vpon the said tenements and premisses, but the
most part thereof was brought from other places, and hauing also ma-
nured the said grounds to his exceeding great costs and charges, ye sayd
G.B. seeing them of full age, by the like perswasion and procurement
of the persons aboue said, did enter into the said demised tenements and
premisses, whereof your said orator was then quietly possessed, as hee
then found the same. And he together with the said A.G. I.H. W.H.
C.H. H.H. R.H. W. and H.G. did take away and conuert to their owne
vses, the most part of the said 12 loads of hay, or thereabouts, to the va-
lue of 12 marks at the least. By meanes whereof your said Orator ha-
uing against the winter before prouided great store of beasts and cattell
for to haue eaten the said hay for the sustenance of them, he was inforced
to buy, and did buy a great quantitie of hay at an excessiue price, or
else to haue famished the most of his said Beasts for want of fodder,
which was to the great losse and damage of your said Orator: Neuer-
theless the said G.B. by the like councell and perswasion of the sayd
euill disposed persons, albeit he hath been sundrie times gentlie requi-
red by your said orator to make vnto him some reasonable recompence
and satisfaction for the losse of his said terme, and his other dammages,
and for such costs and charges as he had bestowed for the manuring,
and bettering of the said grounds so to him demised, and for such costs
and charges as he your said orator did sustain and beare for and by rea-
son of the keeping and maintaining of him the said G. Ward in afore-
said, which parcell, meate, drinke, and lodging he vtterly denieth and
refuseth to yeeld vnto him any manner of satisfaction or recompence
for the same, or part thereof, alleaging, That at the time of the making
of the said seuerall contracts he was within the age of 21 yeares, and
therefore, and for the nevertheless, some of the same contracts he infe-
feably sold in law. And not so contented, hath by the like councell and
perswasion of the said euill disposed persons, put your poore Orator for
the occupation and vse of the said grounds, and for the profites and
commodities thereof during the aforesaid terme. Notwithstanding

that he himselfe and his said confederates did so as aforesaid, vntruly take away your Orators said hay, being of farre more value than the profits which he euer receiued, for, or by the grounds so to him demised, did amount vnto, against all right, equitie, and good conscience. In tender consideration whereof, and forsomuch as your said Orator is a verie poore man, and hath no ordinarie remedie by the strict course of the common lawes of this Realme and dominion of England, either to defend himselfe in the said suit, or to recouer any thing at all against the foresaid G. B. as wel by reason that the said seuerall contracts and agreements were so vncertainely made, as is aforesaid, with him, being at the making hereof an infant, as for that the same contracts and agreements were made priuatly betweene your foresaid Orator and him the said G. B. few or none being present thereat, which can testifie the same, neither can your said Orator set downe in certaine, how much of his said hay they did so take and carrie away, and yet is there great cause in equitie why your said orator should be relieued for the same in this honorable Court. It may therefore please your honourable L. the premisses gratiously considered, to grant vnto your said orator the K. Ma. most gratious seuerall writ of Subpæna, to be directed vnto the said G. B. A. C. I. P. W. W. T. C. Y. M. N. Y. W. Y. and Y. G. and euerie of them, thereby commanding them and euery of them, vnder a certaine paine, and at a certain day therein to be limited and appointed, to be and personally to appeare before your hon. L. in her Ma. most high court of Chancerie, then and there to answer vnto the premisses, and to abide such further order and direction therein as to your ho. L. shal seem to stand with right, equity, and good conscience. And your said orator shal daily pray vnto Almightie God for the preseruation of your hon. Lord. in good health long to continue with much increase of honor, &c.

A Bill of debt vpon a contract against the surviuing partner, or ioynt chapman, and the administrator of the other.

Sect. 123. To the most humble wise complaining, sheweth vnto your honourable L. your daily orator R. P. of L. in the countie of Norke chapman: That whereas the third day of May now last, which was in the 35 yeare of the most prosperous raigne of our most gratious Soueraigne Ladie Eliz. the K. most excellent Maiestie that now is, and before and after the said third day of May one W. T. of W. in the county of M. Grasier, now lately deceased, were Chapmen, partners, Copartioners, & parting fellowes, did then as partenors, and parting fellowes ioyntly occupy together in all manner, as wel of buying and selling, bartering, & bargaining of beasts and cattell, with their seuerall stockes, and of

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and with diuers other goods, beasts and cattell taken vpon their credit and of, and with all encrease and gaines from time to time arising and growing by reason of their said occupying, as by factorship, alienation exchange or otherwise, for a certaine time betweene them the said W. T. and R. W. priuately agreed vpon, and it was also then agreed betweene them, that during the time of their said ioint occupying together or partnership, either of the said parties should be faithfull & true to other in buying, selling, and otherwise, as is aforesaid. And all such lucre, profit, & gaine, aduantage, benefit, and winning, as should come grow, or arise in buying and selling any beasts or cattell, during their ioynt occupying or partnership, should bee equally parted and diuided betweene the said parties, so as either of them should haue his iust and true moitie and portion of the same. And that at such times as it was betweene them agreed vpon, either of them should make a iust and true reckoning & account with other of buying and selling of all such beasts and cattell, and otherwise, as aforesaid. And it was then also agreed betweene them the sayd W. T. and R. W. that if any losse or charge shal happen to either of the saide parties at any time or times during their sayd ioint occupying together, and partnership by death of cattel, euill dets, casualties, or otherwise, concerning their ioynt occupying to any part of the said stock in buying and selling of beasts or cattell, or otherwise as is aforesaid, to be impaired, that ỹ same losse and charge should bee equally borne by both the said parties. And if it should happen either of the said parties to die during the said ioint occupying or partnerships, then the executors or administrators of the goods and cattels of the partie so dead should make a iust and true account, payment and deliuerie of such part of all encrease, gaines, beasts, cattel, and debts, as should be due to the partie surviuing. And in like maner that the party surviuing should make and declare to ỹ executors of the goods and cattels of the partie so dead, a iust, true, and perfect account and reckoning of all the state and qualitie of their said ioynt occupying or partnership, and also pay, deliuer, and assigne vnto the said executors or administrators of the partie so dead, such moitie, halfe part and portion of the said increase, gaines, beasts, cattell, and debts, as vpon the same accounts should then haue bin due vnto the partie so dead in so large and ample manner, as if hee had beene then liuing, and the sayd ioynt occupying then ended, at such times, and in such manner, as it was betweene the said parties agreed vpon: by force of which agreement, they the sayde W. T. and R. W. ioyntly, as copartners, ioynt chapmen, partners, or parting fellowes, occupied together their said stockes, and other things aforesaid, and according to their mutual agreement, by buying, selling, and exchanging of beasts and cattell, and otherwise, in sundry faires

and Marches of this realme of England, and with diuers and sundrie of her Maiesties faithfull and louing subiects vntill the day of, &c. now last past, at which time the said R. W. died, and the said W. T. him suruiued, during which said ioynt occupying together, partnership, or societie, that is to say, the 15 day of May now last past, the said R. for and to the vse of himselfe, and of the said W. T. his partner and ioynt chapman as is aforesaid, at M. in the Countie of M. did buy of your Orators supplyant in the open market then there holden, three oxen for vj. li. 5. s. of which sum part was then in hand payed, and the residue was then agreed to be payed vnto your Orator vpon the Tuesday in Whitson weeke then next following, in M. aforesaid, and also vpon the Wednesday insuing the day, commonly called or knowne by the name of Holy thursday, the said R. W. did also buy to the vse of him, and the said T. of your said Orator other two oxen for eight li. to haue been paid to your Orator vpon the said Tuesday in Whitson weeke, at M. aforesaid, which said oxen were then accordingly deliuered to the said R. W. at M. aforesaid, and shortly after the said R. W. deliuered the same Oxen to the hands of the said W. T. and died, not hauing paied or satisfied this your Orator of and for the said xiij li. nor of any part thereof, according to the said bargaine, the said oxen remaining in the hands and possession of the said W. T. and after the time of the death of the sayd R. W. and euer since by him the said W. T. conuerted to his owne only vse, by meanes whereof, action accrued vnto your said Orator to demand and haue of the said W. T. and of one E. W. of M. in the Countie of E. widdow, late wife of the said R. W. or of one of them, the said xiij li. so to him due for the said oxen, which the said E. W. by the compact and consents of the said W. T. and R. W. became executor to the said R. W. and wrongfully administred and conuerted to his owne vse diuers goods and cattels which were belonging to the said R. W. at the time of his death. And albeit your said Orator hath diuers and sundrie times come & sent to the said W. T. & E. sines the death of the said R. W. gently requiring payment of the said sum of xiij li. so as aforesaid being behind and vnpaid of the price of the said oxen, notwithstanding that diuers goods & cattels which were the said R. W. at the time of his death sufficient for the contentation of your sayd Orator, of and for his said debt of xiij li. and also to performe the funeralls of the said R. W. and to satisfie all debts which the said R. W. ought to any person or persons at the time of his death, came to the hands and possession of the said W. T. or E. W. or to the hãds and possessiõ of such person or persons, to whom they the said W. T. and E. W. or the one of thẽ, haue left, yelded, or deliuered the same, and in their or some of their hands doth still remaine. Notwithstanding they and either of thẽ haue

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diuers and sundrie times since the death of the said R. W. bein by your said Orator and others in his behalfe gently required to pay the same, yet that to doe, they and either of them haue euer hitherto denied and refused, and yet do deny and refuse to pay the same to your said Orator, fraudulently intending therof, and of euery part therof cratily and subtilly to defraud and deceiue your said Orator. And for that purpose haue secretly conueyed, concealed, and hid a great part of the goods and chattels which the said R. W. had at the said time of his death, beeing of good value, to diuers persons, and in diuers places to your Orator vtterly vnknowne, so that the same being by that meanes left out of the inuentorie of the goods of the said R. W. to the intent to dazle and blind the eyes of your said Orator, and of sundrie of the said R. W. Creditors, to whō he was in like manner indebted, not knowing the truth of their dealing and vngodly practises and deuices, intēding by such colourable means either vtterly to defraud his said creditors, or so to inforce them to rest contented with some small part of their true and lawfull debt. And whereas afterwards, that is to say, vpon Tuesday next after Midsommer now last past, your Orator, and one T. T. of L. in the county of L. husbandman, by a priuat agreement betweene them made, did ioyntly buy of diuers persons, to the vse of them both, eight Oxen, and seuen bullocks or steers for diuers seuerall sums of money, and afterwards the said beasts, that is, seuen of the said oxen, and the said vij. bullocks or steers, for the price of which fourteen beasts, and of the said odde oxe, your orator and the said T. T. afterwards priuately accounted, and he thereupon satisfied your orator all that to him was due for the same, but 3 li. 13 s. 4 d. or therabouts, and being perswaded by the said W. T. and E. W. and by their pernitious example, not satisfied with their former wrong, as is said, offered to your said orator, haue also perswaded the said T. T. not to pay to your said Orator the sayd sum of 3 li. 13 s. 4 d. or thereabouts, so to him due, for the price of the said Oxen, so that albeit the said T. T. hath oftentimes since the making of the said bargain and account, bin gently required by your sayd orator and others on his behalfe, yet he hath euer hitherto denied and refused to make paiment thereof, and still doth denie and refuse to doe the same, against all right, equitie and good conscience, which vnlawfull practises of the said W. T. and E. W. and T. T. are likely to be to the great losse and hinderance of your said orator, if spedie remedie bee not by your good Lo, prouided to meet with, and preuent their couetous and most vnconscionable dealings and purposes in the premisses. Wherefore, and forasmuch as the said agreement of partnership, and otherwise, made betweene the said W. T. and R. W. and also all the compacts and practises made by and betweene the said W. T. and the

saide E.W. since the death of the saide R.W. And also the saide agreement of the ioynt buying of the saide xb beastes by your Orator and the saide T. and also the saide bargaine betweene your Orator and the sayde R.W. for the saide 5 oxen, as also the saide ioynt buying of the sayde xb beastes by your orator, and the saide T.T. were secretly and priuately made betweene themselues, so that there is no person liuing knowne to your saide Orator, but the saide W.T.E.W. and T.T. priuie thereunto, that can testifie the saide seuerall contracts, made betweene your saide Orator, and the saide R.W. of, and for the saide 5. Oxen, as is aforesaide, and the saide ioynt buying of the saide xb beastes by your saide Orator and the saide T.T. and their saide accounts touching the same, or the saide ioynt occupying or partnership betweene the saide W. and T. or the sayde concealement, cunning, close, and vnlawfull dealings of the saide E.W. and T. in the premisses, so ỹ your saide orator through the want of such precise proofe thereof (as the strict course of the common Lawes of this Realme doth in that behalfe require) is altogether remediesse by the order of this honorable Court, wherein your orator verily hopeth that the saide W.T.E.W. and T.T. in their seuerall answeres to the Premisses, will severally vpon their corporall othes, confesse the saide Premisses to be in effect as they haue beene herein disclosed and set forth: It may therfore please your honorable good L. the premisses graciously considered, to grant vnto your saide Orator her Maiesties most gratious seuerall writs of Subpœna, to bee directed to the saide W. T. E. W. T. T. and to euery of them, thereby commanding them, and euerie of them, at a certaine day, and vnder a certaine paine therein limitted, to be, and personally to appeare before your honourable Lo. in her Maiesties most high Court of Chancerie, then and there to answer vnto the premisse, and abide such further order and direction therein, as to your honorable L. shall seeme to be agreeable with right, equitie, and good conscience. And your saide Orator shall daily pray, &c.

A Bill vpon a promise to forbeare debt due by Obligation vntill annother day, and yet suing the bond.

Sect. 124. IN most humble wise sheweth and complaineth vnto your honourable L. &c. That whereas one R.F. of, &c. in the countie aforesaide Gentleman, was indebted to one W.P. of D. aforesaide, in the sum of, &c. And whereas your saide orator at the speciall and earnest entreatie and request of the saide R.F. about two yeares last past, became bounden for the saide F. vnto the saide W.P. by his deed or writing obligatorie, in the summe of, &c. which condition therein contained or endorsed for the payment of the summe of, &c. vnto the saide W.P. at the feast of, &c.

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which was in the yeare &c. at or in the Church-porch of &c. aforesaide, as by the said deed or writing obligatorie doth and may appeare: which said summe of &c. your said Orator had appointed in a readinesse, and purposed to pay the same at the time and place aforesaide, according to the condition of the saide writing obligatorie: whereupon the sayde W. P. the verie day appointed for the payment of the saide &c. or the day before, the certaintie whereof, your said Orator now remembreth not, came vnto your said Orator, and vpon speech had betweene your said Orator and the said P. touching the payment of the saide money: The said P. was contented, and did agree to forbeare the payment thereof vntill the Feast of P. then next following, and did faithfully assume and promise, to, and with your said Orator, both then, and at diuers times after, to forbeare the payment thereof vntill the sayde Feast, and that he would not take any aduantage of the forfeiture of the sayde bond against your sayd Orator, but would cancell the said bond, and take a new bond for the payment thereof, at the said Feast of Pentecost aforesaid, but neuer required any new bond frō your said Orator: and your said Orator giuing credit to his promise and assumption aforesaid, did not pay the said summe of &c. according to the condition of the said writing obligatorie. After which time the sayde W. P. did oftentimes promise your saide Orator to deliuer the sayd bond of &c. to your sayd Orator to be cancelled, and to take a new bond for the payment of the foresaid summe of &c. at the said Feast of Pentecost, according to his promise and agreement aforesaid: and your sayd Orator doubting that the said P. meant to delay him, and driue him off from time to time, and not fearing least the said P. should take any aduantage of the forfeiture of the said bond against him, in Michaelmasse Terme last past, your said Orator demaunded the said bond againe of the said P. in L. who tolde your sayd Orator, that he had deliuered ouer the said bond vnto one W. W. beeing his brother in lawe, to whom hee had assigned ouer the said bond, and could not release or discharge the sayde bond without the assent of the sayd W. W. but would make meanes to the said W. W. for the deliuerie of the same, and seemed to make diuers iourneyes to the said W. W. to fetch the same: And so from time to time delayed your saide Orator, and driue him out with faire wordes, vntill such time as your sayd Orator was vpon occasion of businesse, inforced to ride out of L. into the Countrey: And shortly after, your said Orator purposing to get the same bond out of the saide P. and W. hands, did in the said Michaelmasse Terme send one G. W. his seruant, to L. with the sayde money, to make payment thereof vnto the said W. and P. and to receiue the said bond, who comming to L.

accordingly to the said W. and P. and declaring vnto them, that he was come to make payment of the foresaid summe of &c. and to receiue the saide bond, the said W. then told the said P. that the said bond was not then in his custody or keeping: but the said W. did then and there promise, that if the said W. would deliuer ouer a bond which he had in his keeping of trust, to the vse of the said P. that then the said W. and P. would the next day following come to the said W. his lodging, and receiue the saide &c. and deliuer euer the foresaid bond of &c. vnto him, vpon whose promise the saide W. did then presently (trusting in his faire speeches) deliuer the said bond which he had, to the vse of the said P. to the said P. or W. accordingly. But so it is, if it may please your good Lordship, that the said P. and W. nothing at all regarding their foresaid seuerall promises, agreements, and assumption made, to and with your said Orator, and the saide W. as aforesaid, haue not only hitherto refused and denied to deliuer ouer the said bond of &c. vnto your said Orator, according to the promises and agreements made as aforesaid, but yet doe vtterly refuse and denie to doe the same: albeit your said Orator did oftentimes both before the said Feast of &c. as aforesaid, and diuers times since, offer to make payment of the saide summe of &c. vnto the said P. and W. according to the foresaide agreement, and yet is readie and willing to pay the same. But also the said P. and W. purposing to bring vpon your said Orator the whole penaltie and forfeiture of the said bond of &c. haue, or one of them hath of late, contrarie to the foresaid assumptions and agreements made, as aforesaide, and contrarie to all honestie, equitie, and good conscience, commenced suit at the Common Law against your said orator vpon the said bond, to his great losse and hinderance. And the said W. P. hath of late vtterly denied, that euer he promised to forbeare the payment of &c. vntill the foresaid Feast of &c. contrarie to the truth, and contrarie to all equitie and good conscience. In tender consideration whereof, and forasmuch as your sayd Orator cannot plead the promise and agreement of the sayd P. made to your said Orator, for forbearing of the money (as aforesaid) in bar of the said bond at the Common Law, and therby is voyd of all remedie, at, and by the strict order and course of the Common Law of this realme, nor can vse nor bring any action of the case against the said P. or W. vpon their said promises and assumptions, for that your said Orator cannot make any such sufficient proofe thereof, as by the Common Law is in such case required, for that the same were made priuately betweene themselues, and no witnesses called thereunto. And forasmuch as your said Orator verily thinketh, that the said W. P. and W. W. being called into this most hon. Court to answere to the premisses, will in their answere vpon their Corporall

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vathes confesse the forsaid conclusions, promises, & agreements made as aforesaid, and disclose the truth of the premisses. May it therfore please your good Lo. the premisses considered, to grant vnto your sayde Orator, the M. most gratious Writ of Subpœna, to be directed vnto them the said W. P. & W. W. commanding them and either of them, at a certaine day, & vpon a certaine paine by your good Lo. to be appointed, personally to appeare before your good Lo. in the M. Maiesties high court of Chancery, then and there to answere to the premisses: and further to stand to, and abide such further order and direction therin, as to your good Lordship shall be thought most meete and conuenient in that behalfe. And your said Orator, according to his bounden dutie, shall daily pray vnto God for the good and prosperous estate of your Lordship in honor long to continue.

The Answere of W.P. and W.W. defendants, to the Bill of Complaint of E.L. complainant.

THe said def. and either of them saith, that for the most part the said Bill is vntrue, slanderous and insufficient in the law to be answered vnto, and the matters therein contained, deuised of malice, to put these def. to needelesse charges and expences in Lawe, without any sufficient cause so to doe. The aduantage of exception to which insufficient Bill to these def. at all times saued, for answer they say, and first the said W. P. for himselfe saith, that true it is, ỳ the said compl. did become bound to these def. by his obligation in the sum of &c. with condition indorsed for the true paiment of the said sum &c. at a day long since past. the which sum this def. did verily thinke to haue receiued accordingly, and thereof did make reckoning as of a debt then to be payd to him, and for that cause did at the verie day appointed for the paiment of ỳ same, repaire vnto the place specified in the condition of the saide obligation, where the said mony should be payd, and there did attend for the same, in hope to haue receiued it accordingly: but the said complainant meaning nothing lesse than the satisfying of the said debt, left the same vnpaid, to the great hinderance, losse, and discredit of these defend. And this def. further sayth, that he hath often and sundrie times sithence the said money was due, made meanes to the complainant for payment of the same, who from time to time with faire promises (now almost these three yeares) hath delayed this def. to his greater hinderance, than the value of the said summe: by reason whereof, and forasmuch as the complainant hath sought diuers indirect waies and meanes to get the sayd obligation of &c. out of the hands of this defendant, with intent neuer to pay pennie of the debt aforesaid: this defendant hath caused Sect. 125.

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the ſaid obligation to be put in ſuit, as he thinketh it is lawfull for him to doe, without that, that the complainant to the knowledge of the def. did prepare in a readineſſe to haue paid the ſaid &c. at ỹ time and place, according to the condition of the obligation aforeſaid: Or that this def. vpon the very day appointed for the payment of the ſame &c. or the day before (or in truth at any time elſe) did come to the complainant and had ſpeech with him, that he was contented, and did agree to forbeare the payment thereof, vntill the feaſt of &c. then next following, or did aſſume and promiſe to and with the complainant, both then and at diuers times after to forbeare the payment thereof vntill the ſaid feaſt, and would not take any aduantage of the forfeiture of the ſaid bond, but would cancell the ſaid bond, and would take new bond for the payment thereof, at the ſaid feaſt of P. as in the ſaide Bill is moſt falſly declared. And without that, that the ſaid complainant, to the knowledge of the defendant, did ſend one G. H. his ſeruant to L. with the ſaid money to make payment thereof to one of theſe defendants, as alſo in the ſaide Bill of Complaint is vntruely alledged. For this defendant ſaith, that he ſought often to the complainant, and made meanes vnto him, to haue the ſaid defendant either to bee payd in money, or that hee might be ſatiſfied thereof ſome other way, who made him many promiſes to doe the ſame with ſpeed, but neuer meant or intended it, for any thing that this defendant could get to the contrarie. And the ſaid W. W. the other of theſe defendants for himſelfe ſaith, That whereas he is charged to haue made promiſe to the ſaid W. that if hee would deliuer a bond which he had in his keeping of truſt, to the vſe of the ſaide P. that then he this defendant and the ſaid P. would the next day following, come to the ſaid W. his lodging, and receiue the ſaid ſumme of &c. and deliuer ouer the ſaid bond of &c. He this defend. ſaith, that he neuer made any ſuch promiſe to the ſaid W. to his remembrance, neither was there any cauſe at all that hee ſhould ſo doe, as well becauſe in truth, and in honeſtie the ſaid W. ought to make deliuerie of the ſayde bond, ſo committed vnto him, but of truſt, as appeareth by the plaintifes owne ſhewing, as alſo for that this defendant was informed that the ſayd W. had deliuered the ſaide bond before that they two met together to talke of the ſaide debt. And this defendant further ſaith, that although it were true, that he made ſuch promiſe (as aforeſaide) yet were it nothing at all materiall for the reliefe of the complainant, as well for the cauſe aforeſaide, as alſo for that this defendant had no power of himſelfe to doe either good or hurt in the matter. And without that, that any other matter or thing whatſoeuer materiall in the ſaid vntrue Bill to bee anſwered vnto, and not in this Anſwere ſufficiently anſwered, confeſſed, and auoyded, trauerſed, or

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denied is true. All which matters these def. are ready to auer and proue as this most hon. Court shall award, and pray to bee dismissed wᵗ their reasonable costs in this behalfe wrongfully sustained.

The Replication of E.L. Esquire Complainant, to the answer of W.P. and W.W. Defendants.

THe said complainant replieth and saith, that the said bill of compl. by him exhibited into this honorable Court, is verie true, certaine, and sufficient in the Law to bee answered vnto, and that the matters therein contained, are neither deuised, imagined, practised, or set forth by him the said complainant, for any such cause or purpose, as the Defendants in their answers haue vntruly imagined, but the same is grounded vpon good and iust cause, as by the contents thereof doth and may appeare. And further saith, That the answer of the said Defendant is veris vntrue, vncertaine, and insufficient in the Law to bee replied vnto. The aduantage of exception to the incertaintie and insufficiencie thereof to the said complainant, now, and at all times hereafter saued. The said Compl. for further replication saith, that he doth and will auerre, iustifie, maintaine, and proue, all and euerie matter, article, sentence, and thing, in the said Bill of complaint contained, to be good, iust, and true, in such sort, manner, and forme, as in the said bil of complaint they be truly set forth, shewed, and declared. And further the said complainant saith, that he doth and will auerre and proue, as this most honorable Court shall and will award, that the sayd Complainant did prepare in a readinesse, and purposed to pay the foresayd summe. &c. in the said bill and answer mentioned, at the time and place in the condition of the said Obligation mentioned, according to the true intent and meaning of the Condition of the said Obligation, in such sort, manner, and forme, as in the said bill of Complaint is most truly set forth and alledged. And that the verie day appointed for the payment thereof, or the day before, the said W.P. one of the said Def. did come to the said compl. and vpon speech had betweene the touching the payment of the said money, the said defendant was contented, and did agree to forbeare the paiment thereof, vntill the Feast of, &c. then next following, in such sort, maner, and forme, as in the said bill of cõpl. is most truly alledged. With that also, that the said W.P. did faithfully assume and promise to and wᵗ the said compl. both then and at sundrie times after, to forbeare the paiment thereof, vntill the Feast of, &c. aforesaid, and would not take any aduantage of the forfeiture of the said Bond against the said compl. but would cancell the said Bond, and take new bond for the paiment thereof at the feast aforesaid. And that

Sect. 126.

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the said complainant, relying vpon the foresaid agreement, promise, and assumption of the said P. for the forbearing of the said, &c. vntil the said feast of, &c. aforesaid, and for the taking of a new bond for the payment thereof, at the feast aforesaid, did not pay the same according to the condition of the foresaid Obligation, which otherwise hee would haue done, in such sort, manner, and forme, as in the said Bill of compl. is also most truly set forth and declared. And with that also, that the compl. in Mich. Terme last past, sent the said G. W. his seruant to L. with the said money to make payment thereof. And that the said W. W. the other def. vpon offer of tender of the foresaid summe of money by the said W. The said W. W. did promise to deliuer the said Bond vnto the said W. within short time after, so as the said W. would deliuer ouer a bond which he had in his keeping, to the vse of the said P. and would also at a time betweene them agréed on, make payment of the said summe of, &c. which bond was deliuered ouer accordingly, to the said P. or W. by the said W. And the said W. was readie to tender and pay the said mony, according to the said appointment, in such sort, maner, and forme, as in the said bill of complaint is also truly alledged. Without that, that the said W. P. one of the said defendants, sought often to the said compl and made meanes to him to haue the said debt, either to be paid in mony, or that he might be satisfied thereof some other way, who made him many faire promises to doe the same, but neuer meant or intended it, in such sort, manner, and forme, as in the sayd answer is most vntruly alleadged: for the said complainant saith, That hée did often and sundrie times, both before the said feasts, &c. and diuers times sithence, offer to make payment of the said summe, &c. vnto the said W. P. and W. and alwayes was, and yet is readie and willing, vpon the deliuerie of the foresaid bond, to pay the same, in such sort as in the said bill of cõplaint is most truly shewed and alledged. And without that also, that any other thing, matter, or circumstance in the sayd answer mentioned, materiall or effectuall to be replied vnto, and in this replication not sufficiently cõfessed, auoided, denied, trauersed, or otherwise replied vnto, is true. All which matters the said compl. is readie to auer and proue as this most hon. court shall and will award. And prayeth as before in his said bill of compl. he hath prayed.

The ioint and seuerall Reioinder of W. P. and W. W. defendants, to the Replication of E. L. complainant.

Sect. 172. THe said Defendants say, and either of them for himselfe seuerally saith, that the Replication of the said complaint is vniust, and vntrue, and very insufficient in the law by these Defendants, or either of them

them to be reioyned vnto. Notwithstanding all aduantage of exception to the incertainty and insufficiencie therof to these def. and to either of them at all times hereafter being saued, for reioynder vnto the sayd insufficient replication, These defendants say, and either of them for himselfe seuerally saith in all and euerie matter and thing, as they and either of them in their seuerall answers haue said, without that, That any other matter, cause, or thing whatsoeuer, materiall or effectuall contained in the said replication, and by these def. or either of them to be reioyned vnto, and not herein sufficiently confessed and auoided, trauersed, or denied, is true. All and euery of which matters and things these def. and either of them are readie to auer and prone, &c.

A Bill for detaining lands with euidences.

Sect. 128.

MOst humbly complaining, &c. your dayly Orator I. S. of A. in the Countie of Y. Husbandman: that whereas R. S. of Y. in the Countie of Y. aforesaid Husbandman, and Grandfather to your Orator, was in his life time seised in his demesn as of fee, or in fee taile, of, and in certaine messuages, lands, and tenements, to the yearely value of, &c. or thereabouts, lying in Y. aforesaid, and of the same died seised: by force whereof the said tenements descended and came (as of right they ought) vnto one I. S. father to your said Orator, son and heire to the said R. who afterwards entred into the same, and was for diuers yeares seised of the tenements accordingly, vntill about the first yeare of the raigne of the late K. Edward the vj. At which time one W. G. of Y. aforesaid happening by casuall meanes to get into his possession al the euidences, charters, and writings concerning the said lands and tenements: and knowing that your said Orators father could not for want of those euidences, charters, and writings, defend his right, title, and interest to the lands aforesaid, entred also into the said tenements, and the same wrongfully did withhold and detaine, during the terme of his naturall life: sithence which time one T. G. of Y. aforesaid, & E. G. widow, mother to the said T. hath also entred into the said tenements and the same to this day most vniustly withholdeth, together with all the charters, euidences, and writings aforesaid, which in right and equitie belong and appertaine to your Orator, as sonne and heire to the said I. S. now deceased. In tender consideration whereof, and for as much as your Orator doth not know the certaine dates of the charters, euidences, and writings aforesaid, nor of any of them, neither doth know whether they are in bag, or bore sealed, or in chest locked, he is without all remedie at the Common Lawes of this Realme, and also without all other meanes how to find reliefe in this behalfe, except

your

your hon. L. fauor extended. And ỹ the said T. G. & E. G. may by your L. order be compelled vpon their oathes, plainely and truly to shew forth their estate, in & to the tenements aforesaid, & also to shew what right, title, or interest they haue or claime, in and to the same, and likewise to shew ỹ effect and certaine dates of such charters, euidences & writings, aforesaid, as they or either of them haue in their possession concerning the said tenements aforesaid, or any part thereof. May it therefore &c. as before.

The Answer.

Sect. 129. These defendants by protestation say, and euery of them sayth, that the Bill of Complaint exhibited into this honorable Court, is for the most part vncertaine, vntrue, and insufficient in the Law to be answered vnto. And that the matters therein contained are deuised by the complainant, onely to molest and trouble these defendants, beeing vertie poore, rather than vpon any iust cause. Neuertheless the aduantage of exception to the vncertaintie and insufficiencie of the said Bill to these defendants at al times saued: for answer and declaration of the trueth, they say, and euerie of them saith, that true it is that one R. S. of F. in her Maiesties Countie of Y. was in his life time seised in his demesne, as of fee, of, and in one messuage, and certaine lands and tenements in Y. in the said Countie of Y. and being so seised by his deed of feoffement vnder his hand and seale, about the fire and thirtieth yeare of King Henry the eight, conueyed and assured the same messuage and lands vnto one J. S. his sonne, and to his heires and assignes for euer, as by the deede of the said R. vnder his hand and seale readie to be shewed vnto this honourable Court doth and may appeare: by force whereof the said J. S. was thereof seised in his demesne as of fee, and being so thereof seised, for a certaine summe of money to him payed by W. G. father of one of the defendants, did convey and assure the sayd messuage and lands vnto the said W. S. and his heires with warrantie, as by the deed and release of the foresaid J. S. doth & may appeare: after which the foresaid W. G. the father vnto the said defendant died of the sayd messuage and landes seised, after whose death these defendants entred into the said tenements, and the same enioyed to their owne profits and commodities, as lawfull was for them to doe: without that, that R. S. of Y. in the said bill mentioned, was seised of the messuage and lands in the bill mentioned in fee taile, or that the sayde J. S. father of the complainant was seised of the premisses in the first yeare of King Edw. the vj. or that the said W. G. father of one of the def. got the possession of the messuage, & the euidences concerning the same, otherwise than was lawfull for him to do: or that the defendants

or

or any of them doe vniustly withhold the said messuage or lands in the bill mentioned, or the euidences concerning the same, otherwise than is lawfull for them to doe in respect of their right. And without that, that the said messuage and landes, with the euidences concerning the same doe in right and equitie appertaine to the complainant, as sonne and heire to I. S. the father. And without that, that any other matter or thing in the said bill contained concerning these defendants, & not in this answer sufficiently confessed, and auoided, trauersed, or denied, is true. All which matters these foresaid defendants are, &c. vt supra.

The Replication.

THe complainant auerreth and maintaineth the said bil of cõplaint, and all and euery the matters and things therein contained to be verie good, iust, and true, in such sort, manner, and forme, as in the said bill of complaint is declared. And saith, that the answer of the defend. for the most part is vncertaine, vntrue, and insufficient in the Law to be answered vnto. Neuertheless all aduantages of exception to the insufficiencie thereof to this complainant, at all times hereafter saued: For replication saith in all and euery thing, as in the said Bill of complaint he hath said. And further saith, that he doubteth not but that he can very sufficiently proone that the said I. S. this Complainants father, was about the first yere of the raigne of King Edward the first, or not long before, seised in his demesne as of fée taile of the aforesayd messuage, lands, and tenements in the said bill mentioned. And he also hopeth to proue all the rest of the said bill to be true, in such sort as the same is truly declared and set downe: without that, that the foresaid R. S. this complainants Grandfather beeing seised of the premisses in his demesne as of fee, did lawfully by his deed of feoffement vnder his hand and seale, about the 36 yere of king Henry the 8, convey and assure the said messuage and lands vnto one I. S. his sonne, and to his heires and assignes for euer: or that the said I. S. beeing of the premisses seised in his demesne as of fée, for a certaine summe of money to him paid by the said W. G. father of one of the defendants, did lawfully convey and assure the said messuage and lands vnto W. G. one of the said defendants, and his heires with warrantie, as in the saide answer is very vntruly alledged. And without that, that the sayde W. G. father to one of the defendants, died of the said messuage and lands seised in such sort, as in the said answer is likewise declared, or that it was lawfull for the said defendants, after the death of the said W. G. to enter and occupie the foresaid messuage and lands, and also in the said answer is inserted. And without that, that any other matter &c. All which, &c. vt supra.

Sect. 13 a.

A Bill for debt leuied by extent.

Sect. 131. COmplaining sheweth, &c. A. B. of, &c. That whereas the said A. B. in the beginning of her Maiesties raigne, liuing in her highnesse Court, for his furniture of iewels, plate, money, and such like, had credit with one C. D. Citizen and Goldsmith of London, for the which as hee had occasion to borrow any money, or take vp any wares, so hee deliuered his bils or obligations for the true paiment of any such money so borrowed, or for the price of any such wares so bought, at daies betwixt them agreed: which dayes hee alwaies kept, or tooke order for the forbearing thereof, by himselfe, or his seruants, such as hee did imploy in these affaires: amongst which there was in D. in the first yeare of &c. a certaine debt or reckoning (of how much certainely hee now remembreth not) betwixt him the said C. D. and the said A. B. for the which he the said A. B. was bound to the said C. D. in the summe of &c. by his deed obligatorie, bearing date, &c. which obligation (as hee now remembreth) was single with a defeasance for the debt, which was the agreed vpon to be answered at a certaine day following, which said debt he the said A. B. paied accordingly by his then seruants and officers, who vnknowing vnto the said A. B. did negligently (as is to bee coniectured) leaue the bonds in the hands of the said C. D. after the reckoning or debt paid or discharged. And so afterwards the sayde A. B. did deale and continue in further credit with the sayd C. D. for diuers other great summes of money, iewells, and plate, some vpon the said Goldsmiths book, and some vpon bils and bonds, whereof the most part were afterwards discharged, sauing one debt by Recognisance, about the 24 day of, &c. in the, &c. beeing to the value of 200 Markes. In which said latter debt the said A. B. presuming of friendshippe and friendly dealing at the said C. D. his hands, because he had beene a verie good customer vnto him, did not so precisely keepe his day, thinking hee would haue reasonably dealt with him, beeing allowed for consideration for forbearing thereof, as at other times hee had done. Notwithstanding he the said C. D. contrarie to the said A. B. his expectation, did put the same Recognisance in suit presently after the forfeiture thereof. And the said A. B. beeing then busied in her Maiesties seruice, the said C. D. had iudgement vpon the said Recognisance against him before he could send vp to take any order for the said latter debt by the said Recognisance, and after tooke execution of the moitie of a manor of the said A. B. called, &c. in, &c. which for the payment and performance of the said debt was extended vnto by marks by the yeare, and so did locke the said whole forfeiture vpon the said A. B. his Manors and lands with great extremitie, vpon which extreame dealing

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he the said A. B. finding himselfe most cruelly and hardly dealt with, did refuse to buy or sell with him, and willed his Baylife of his sayde Manor to take acquittances of him at every payment: who not only did so; but vpon the last payment the foresaid C. D. did acknowledge to him that payed the money, that your said Orator was then cleare with him, and did owe nothing, or to such effect, notwithstanding the foresaid A. B. accounted of him as of a very extreame man: which the said A. B. his displeasure towards him, being notified and verie well knowne vnto him, both by letters from himselfe, and otherwise, yet the said C. D. liuing nine or ten yeres after that, it cannot be intended, that he who whilest they were in amititie did sue the said A. B. vpon the said Recognisance and debt therein contained, beeing of so small a value, would at the first haue left the elder bond and debt, beeing of a greater summe vnsued for, if it had been vnsatisfied for, or not payed, much lesse afterwards, during all the space of nine or ten yeres, whē he the said A. B. for his hard dealing had left to be his Customer, or to deale with him, and thought but hardly of him, as he had no lesse cause: so though it be most sure and true, that the said debt for which the sayde 200 li. bond was made in the first yeare of the raigne of, &c. was long since fully answered, yet it being so long since, the said A. B. cannot precisely call to mind vpon the sudden how, & by which of his officers which dealt for his reuenues, and especially one J. P. whom principally he vsed in those affaires, being now dead) whereby hee cannot vpon a speedie triall at the common law proue the payment thereof, by strict and precise course in that behalfe requisite, and the rather, for that the Indentures for the defeasance of the said Recognisance, came by some casuall or negligent meanes to the hands of the said C. D. and of J. his wife, although it be manifest by the presumptions aforesayde, that the said C. D. would not haue let it lie so long vndemaunded, if he had not bin satisfied, which the said A. B. doubtedly not to proue in this honourable Court, for that also he thinketh, there be yet some liuing, that were present at the last reckoning y the said A. B. or his Officers made with the said C. D. either when hee agreed for the sayd extents, or about that time: at which time he the said C. D. did acknowledge, that al matters, debts, reckonings whatsoeuer were then fully cleered, and quit betwixt the said A. B. and the said C. D. And that the sayde A. B. did not then owe him any thing. But so it is, the said C. D. now beeing dead, and J. his wife beeing his executrix, who finding the sayd bond of CC li. remaining vncancelled, rather as it should seeme by those which haue conferred with her, vpon some words spoken, or conceit of offence, that she hath conceiued of the said A. B. his displeasure towards her late husband, than otherwise vpon any iust cause, whe

the ſaid I. hath publiſhed, that ſhe hath ſuch an ancient bond of the ſaid A. B. bearing date, &c. of 200 li. and intendeth to put the ſame in ſuit againſt the ſaid A. B. In tender conſideration whereof, the apparent likelihood of the ſaid debt before recited, being moſt true, and the ſame diſcharged, and yet the proofe of the diſcharge thereof in ſtrict courſe of Law being hard for the ſaid A. B. to make, the ſaid I. D. and ſome others who dealt for him, being now dead, and the ſaid defeaſance being come to her hands (as aforeſaid) but onely vpon oath of the ſayd I. D. who was priuie to that, and moſt of her huſbands reckonings and doings in his life time, and yet would not vniuſtly charge the ſayd A. B. with the ſaid debt, by meanes that ſhe hath both parts of the defeaſance in her hands, whereby the ſaid A. B. cannot plead them, and not knowing the date of them, or wherein they are contained, cannot demaund them by the ordinary courſe of the law. May it therefore pleaſe your good L. &c.

The Anſwer.

Sect. 132. THe ſaid Defendant ſaith, that the ſaid bill of Complaint exhibited againſt her in this hon. Court, is vncertaine, and inſufficient in the law to be anſwered vnto, and the matters therein contained, vntrue, and contriued more of purpoſe to put the ſaid def. to trouble and expences in law, than for any good or iuſt cauſe: Neuertheleſſe, if the ſame defendant ſhall be compelled by this Hon. court to make any further anſwer to the ſame: then the aduantage of the inſufficiencie thereof to this defendant at all times hereafter ſaued. For further anſwere the ſaid defend. ſaith, that true it is, that the ſaid A. B. about the time mentioned in the ſaid bill of complaint, began to bee a bargainer and buyer of plate and iewells of the ſaid C. D. late huſband to this Defendant, and obtained credit at the hands of the ſaid C. D. for the ſumme of, &c. For payment whereof the ſaid C. D. preſuming vpon the promiſes of the ſaid A. B. was contented onely to accept of a bare ſingle Obligation, which was ſealed and deliuered vnto him about the time mentioned in the ſaid bill, which ſumme of, &c. the ſaid C. D. (after the day paſt which was limited for the paiment thereof) often demaunded of the ſaid A. B. who notwithſtanding made no paiment at all thereof, but with faire promiſes delayed time, and kept the ſaid C. D. in hope from yeare to yeare, that he ſhould be anſwered thereof to ỳ vttermoſt peny. And at the laſt the ſaid A. B. hauing need of certaine other Plate or iewels, to the value of, &c. intreated with the ſaid C. D. to giue him credite for the ſame, and promiſed faithfully, that if the ſayd C. D. would truſt him therewith, that then within ſhort ſpace after hee

would

would truely make payment as well of the C. li. as alſo of the ſayde CC. vpon which earneſt intreatie the ſaid C.D. (beeing a man of a verie good nature, and eaſily led by ſuch as he any way conceiued or thought well of) was contented to ſatiſfie his requeſt: But yet forasmuch as the ſaid A.B. had before that time taken but ſmall regard concerning the keeping of his dayes vpon the ſingle obligation aforeſaid, the ſaid C.D. then thinking to deale more ſubſtantially with him than before, demaunded a recogniſance for the ſaid ſumme of C. li. ſo then to be lent, without which he was vtterly vnwilling to truſt him any further: Whereunto the ſaid A.B. aſſented, and became bound accordingly in a recogniſance of two hundred markes, with condition for the true payment of C. li. (which is the recogniſance in the ſaid Bill of Complaint mentioned.) For diſcharge of which recogniſance the ſaid A.B. tooke no greater regard than before he had done for payment of the ſaid ſingle obligation. And therefore the ſaid C.D. at the laſt, three yeares at the leaſt being then paſt after the forfeiture of the ſaid recogniſance, perceiuing the careleſneſſe of the ſaid A.B. aſked aduice of ſome of his friends, what courſe hee were beſt to take for the obtaining of the ſaide ſeuerall ſummes of money: by whome hee was aduiſed to put the ſayd recogniſance (rather than the obligation aforeſaid) in ſuit, as well for ſpeedie end of ſuit in the ſame, as alſo that thereby it was thought, the ſaid A.B. would the rather ſeeke meanes to make ſatiſfaction as well of the one debt as of the other: But hee meaning nothing leſſe, nor regarding the ſaid ſuit, ſuffered the ſame to proceed till ſome parcell of his land was extended, and ſo the ſaid C.D. was faine after three yeares forbearance of the ſaid ſumme of C. li. as aforeſaid, and after hee had ſpent more than xx. li. in ſuits and rewards in obtayning the ſaide extent, to accept onely twentie markes by the yeare, till the ſaid two hundred markes (being the principall, and penaltie were) payd vnto him: ſo that the forbearance of the ſayde ſumme accounted together with the charges in ſuit, great loſſe of time in following the ſame, and rewards giuen to Sheriffes and Bailifes before any the ſaid landes might be extended: The ſaid C.D. ſuſtained ſo great loſſe, as by the ſaid circumſtances of that which before hath beene ſhewed, doth euidently appeare, that he was vtterly diſcouraged to vttempt any more ſuits againſt the ſaid A.B. but reſted ſtill in hope that at one time or other he ſhould obtaine meanes in quiet ſort without ſuit in law to get ſatiſfaction alſo of the ſaide ſumme of &c. which hath beene the reaſon onely why the ſaid C.D. did not put the ſaid obligation in ſuit ſo long time, without that, that to the knowledge of this defendant, there was euer any deſeaſance made vpon the ſaid ob-

ligation, or that any such defeasance by casuall meanes is come into the hands of this defendant, as in the said Bill is untruely alledged. And without that, that the said A. B. by himselfe or his officers, as by the premisses manifestly appeareth, did make payment of the said debt, or any part thereof: which the said defendant is the rather throughly persuaded of, as well because she was well acquainted with the dealings of her said husband, as also because at the time of the death of her said husband, he lying in extremitie, called this defendant unto him, and sayde that he had carefully gathered together sundrie bonds and obligations, which at sundrie times had beene made unto him for diuers sums of money, and yet in truth they were payd and discharged, and those bonds and obligations hee had put in a bore by themselues, and named them Bills, which obligations he willed this defendant to cancell or deliuer to such persons as were the obligors, and in any wise not to demand any debt upon any of them. And further he also openly said, that all the residue of the bonds and obligations remaining in other bores, which he then also named, were due and owing unto him. In the which of the said bores the said obligation of CC. li. was found, neither is it to bee thought that any officers of the said A. B. would deale so lightly, as to pay the money due upon the said obligation, being but single and without penalty, without either acquittance or the bond it selfe, redelinered or cancelled. Or that the said A. B. himselfe would haue allowed of any such payment upon any his officers accounts. And without that, that the said A. B. did at any time allow any manner of consideration for the forbearance of any sum of money due by him the said C. D. (as also is untruly alledged.) And without that, that the said C. D. did put the same recognisance in suit presently after the forfeiture thereof: for the same was forborne three yeares after, as it is before declared. And without that, that it is likely that the said C. D. did acknowledge himselfe satisfied of all those seuerall summes of xx. markes, which should make up the CC. markes upon the extent aforesaid, when as he had recouered the whole debts due to him by the said A. B. but onely without that, that the said A. B. to the knowledge of this defendant, did signifie by his letters his displeasure towards the said C. D as also is untruely set downe. And without that, that any other thing materiall in the Law, &c. As in the other.

To cause one to shew his lease, whereby he holdeth, &c.

Sect. 133. MOst humbly complayning &c. A. B. of &c. Gentleman: That whereas about foure yeares last past, one C. D. of L. upon a certaine

tained iudgement in a plea of debt, amounting to the summe of, &c. or thereabouts, by him obtained in her Maiesties court of common Pléas, against one L. F. of, &c. in the Countie of, &c. sued forth her Maiesties writ of Fieri facias, directed to the Sherife of the said Countie, for the leuying of the said debt of the goods and chattells of the said E. F. By vertue of which writ the Sherife did amongst other things take into his hands one lease for diuers yeares yet induring made to the said E. F. by one T. S. in the County of S. Esquire, of 3 parcels of land, called and known by the name or names of, &c. with all and singular their appurtenances, lying and being in the parishes of, &c. in the said countie of &c. together with all and singular woods, underwoods, and trées, set, lying, being, or growing in or vpon the premisses, or any part thereof, together also with the reuersion and reuersions of the premisses aforesaid, and euerie parcel thereof. And also all maner of common, as well of estouers and pastures, as all other commons, pastures, profites, and hereditaments whatsoeuer, to the said premisses belonging, or any wise appertaining. And afterwards the said Sherife (that is to say vpon the third day of May, &c.) by his déed bearing date vnder his hand and seale, did in consideration of, &c. to him paid towards the satisfaction of the debt and iudgement aforesaid, bargaine, sell, assigne, and set ouer the said lease and terme of yeares yet to come, of all and singuler the premisses vnto one G. H. of L. gentleman: which G. H. not long after did in consideration of, &c. by your orator to him payd, bargaine, sell, assigne, and set ouer vnto your said orator al and singular the premisses, and euery part therof: vpon which bargain and assignement of the premisses so made, as aforesaid, your said Orator was in verie good hope to haue peaceably and quietly entred into the premisses, and so to haue occupied and inioied the same accordingly. Neuertheleſſe so it is right ho. that one R. T. of, &c. in the said Countie of L. pretending to haue a lease for diuers yeares yet to come, of some part of the said lands called, &c. made vnto him by the foresaid E. F. long time before any assignements aforesaid, hath and yet doth kéepe your said orator from the possession of the said lands, vpon which lease or demise, a certaine yearely rent is (as he saith) reserued to the said E. F. his executors, or assignes, which as your orator verily thinketh, is &c. by the yeare, and which rent, whatsoeuer it be, your orator by reason of the lawfull conueyance to him made, as aforesaid, ought both in law and conscience to haue and enioy during such terme as the said R. T. shall hold and occupie the land aforesaid, by reason of the said lease which hee so pretendeth to haue: but because your orator doth not certainely know whether the said R. T. haue any such lease, neither if hee haue, what date it beareth, what terme the said R. hath therein vnexpired, what rent

thereby is reserued, nor what couenants are therein contained, as also your Orator cannot, nor knoweth not how in due forme of law to enter or commence any action against the said R. M. either for the recouerie of the said land or rent aforesaid, which the said R. M. right well knowing, being a man of little or no conscience, but destitute of the feare of God, thinking all things well gotten which he may get and hold without the punishment of the law, doth not onely vse the said land to his great profit and commodity, without yeelding or paying any rent therefore vnto your Orator, or any other person lawfully claiming the same, but also doth vtterly refuse to shew his said lease, whereby he claimeth to hold the lands aforesaid, vnto your said Orator, to the great losse and hinderance of your L. said Orator. In tender consideration whereof, and forasmuch as your Orator hath no ordinary way by the course of ỹ common lawes of this realme, to inforce the said R. M. to shew forth such writings as he hath for the holding and inioying of ỹ Lands aforesayd, but is and shall be vtterly destitute of all manner of helpe or meanes to obtaine the same, to his great hinderance and impouerishment, except your ho. L. of your accustomed clemencie towards al such as are oppressed, do extend your fauor in that behalfe, so that by the order of this hon. court the said R. M. be inforced vpon his oth to shew what right he hath to the premisses, or any part thereof, and likewise to set down in his answer the true copy of the said lease (*verbatim*) or other writings whatsoeuer they be, whereby he claimeth the premisses, or any part of ỹ same. May it therefore, &c.

The Answer.

Sect. 134. THe said Defendant not knowledging or confessing the matters suggested in the said Bill of complaint to be true, for his answer touching the same, saith, that the said E. F. named in the said Bill of complaint, was possessed for diuers yeares yet to come, and enduring, of the said three parcells of land, called or knowne by the name of, &c. mentioned in the said bill of compl. by vertue of a lease thereof made by the said T. S. also named in the said bill of complaint, vnto the sayd E. F. long before the supposed extent specified in the said Bill of Compl. And the said E. F. so being thereof possessed long before the sayd supposed extent (if any such were) had in such manner, as in the said Bill of complaint is supposed, made a lawfull demise and lease of part of the said 3 parcels of land containing 14 acres, or thereabouts, vnto the said def. for diuers yeares yet to come, and remaining vnexpired, vpon which lease the said E. F. reserued a yearely rent to be paid during the continuance of the said lease: By force of which lease the said Defend.

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entred into ỹ said 14 acres of land, part of the said 3 parcels called &c. and was and yet is lawfully possessed accordingly, and euer since, and yet doth enioy the said 14 acres by vertue of the said demise and lease made by the said E. F. to the def. and is to haue and enioy the same during the continuance of the yeares, of which there are diuers yeares yet to come, and remaining vnexpired. And the said def. saith, that the said complainant is a man to this def. vtterly vnknowne. And therefore the said def. marueleth much of the said suit exhibited by the saide compl. into this hon. Court against the saide def. touching the saide premisses. And further saith, that the said E. F. after the said demise and lease by him made vnto the said def. of the said 14 acres of land, and before the said supposed extent, if any such be, made a grant and assignement of the interest & terme of the said E. F. aswell of the said 14 acres, which the saide def. hath and occupieth by vertue of his saide lease for diuers yeares yet thereof to come, and continuing vndetermined, as also of the residue of the said 3 parcels of land mentioned in the said Bill of complaint, vnto R. F. the sonne of the said E. F. vnto which grant and assignement the said def. was priuie. And therefore the said def. thinketh that he is for the payment of his rent chargeable, and ought by the law to pay the same rent reserued vnto the said R. F. and not to the said complainant, which said R. doth verily thinke, that he is lawfull Landlord during the continuance of his yeares yet to come and induring, and not the said Complainant, who is altogether a meere stranger vnto this def. And which complainant neuer at any time heretofore demanded any rent for the said part of the lands that this def. hath and occupieth by the lease for yeares, yet continuing, of the said def. And the said def. also saith, that hee is sued for the rent reserued vpon his lease by the said G. H. named in the said Bill of Complaint in the K. Bench. in an action of debt brought by him against the said defendant: and therefore the said def. much marueleth of this suit of the said compl. brought in this hon. Court against the said def. touching the said premisses: By which suit of the said complainant, the said def. is wrongfully sued and vexed without any iust cause of suit, without that, that there is any such extent made of the said 3. parcels of land called &c. or that after the same extent, there was any such bargaine and sale made by the said Sheriffe named in the said Bill of Complaint, of the said terme and lease of yeares of the said premisses vnto the said G. H. Or that the said G. H. bargained or sold the said premisses vnto the saide complainant, or that the said complainant ought to haue and enioy the said premisses to the knowledge of this def. And without that, that there is any other matter or thing &c. All which matters &c.

A Bill for a title intailed.

Sect. 153.

In moſt humble wiſe ſheweth and complaineth vnto your good Lord-ſhip, your dayly Orator R.R. Huſbandman: That where one W. late of S. in the Countie of W. Huſbandman, grandfather of your ſaide Orator, was lawfully ſeiſed in his demeſne, as of fee, by due courſe of inheritance vnto him lawfully deſcended from his anceſtors, and o-ther lawfull conueyances in the Law, of, and in one meſſuage &c. CC. acres of land, meadow, wood, and paſture, with their appurtenances in S. aforeſaid. And the ſaid W.R. ſo beeing of the premiſſes ſeiſed, about tenne yeares now paſt, it was condeſcended, granted, and agreed betweene the ſaid W.R. and one J.E. late of Y. in the ſaide Countie deceaſed, that A.B. then ſonne and heire apparant of the ſaid W. R. before a certaine day ſhould marrie and take to his wife one A. E. daughter of the ſayd J.E. and that the ſaid W.R. in conſideration thereof, and for that the ſaid A. ſhould be greatly aduanced and pref-erred in goods and ſubſtance, by the marriage of the ſayd A. would imme-diately after the ſaid marriage had and ſolemnized, conuey and make vnto the ſaid A. and A. a good, ſufficient, and lawful eſtate in the Law, of and in the ſaid meſſuage, lands, tenements, and other the premiſſes. To haue and to hold vnto the ſaide A. and A. and to their heires males of their bodies lawfully begotten. And afterward the ſaid A. accor-ding to the ſaid agreement, did marrie and take to his wife the ſaid A.E. im-mediately after which marriage had and ſolemnized, the ſaid W.R. ac-cording to his ſaid promiſe and agreement, did lawfully enfeoffe of and in the ſaid meſſuage, lands, tenements, and other the premiſſes, the ſaid A.R. and A then his wife. To haue and to hold vnto the ſame A. and A. and to their heires males of their bodies lawfully begotten, by force whereof the ſaid A. and A. were ſeiſed of and in the premiſſes, in their demeſnes, as of fee taile ſpeciall, and they ſo being thereof ſeiſed the ſaid A. and A. had iſſue male betweene them lawfully begotten, one J.R. and your ſaid Orator, and one W.R. and the ſaid W. R. the el-der died, by and after whoſe death the reuerſion in fee ſimple of the pre-miſſes deſcended vnto the ſaid A. as ſonne and heire vnto him. And af-terward the ſaid A. and A. dyed, after whoſe death the ſaide meſſuage, lands, tenements, and other the premiſſes deſcended and came, and of right ought to deſcend and come vnto the ſaid J.R. as ſonne and heire male of the bodies of the ſayde A. and A. lawfully begotten, by force whereof the ſaid J.R. entred into the ſaid meſſuage, lands, tenements, and other the premiſſes, and was thereof ſeiſed in his demeſne as of fee taile. And hee being thereof ſeiſed, the ſaid J.R. about foure yeares

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now past, of the sayde messuage and other the premisses dyed seised, without issue male of his bodie lawfully begotten, by force whereof the saide messuage and other the premisses descended and came, and of right ought to descend and come vnto your saide Oratour, as brother and heire male to the said I. R. by the vertue of the gift aforesaid. So it is my singular good Lord, that aswell the deed of inteile made of, and for the premisses by the said W. R. the grandfather vnto the said I. R. and A. and to the heires males of their bodies lawfully begotten, as aforesaid, as diuers other charters, euidences, and deeds, writings, and muniments concerning the premisses, prouing the said interest and title of your saide Oratour, in and to the said premisses: breue deceitfully comen to the hands and possession of I. W. and E. his wife, late wife of the said I. R. G. W. gentleman, and T. S. the elder, and remaine there as they haue conueyed and put them: and by colour of hauing the said euidences, deeds, writings, and muniments in their hands and possession, the same I. W. and E. haue now of late wrongfully entred into the said messuage and other the premisses. And the possession thereof doe so yet wrongfully detaine and keepe from your said Orator, and also the rents, issues, and profits thereof haue wrongfully receiued, perceiued, and taken to their owne vse by the space of foure yeares past, and soe yet doe, contrarie to all right and good conscience. And albeit that your said Orator hath often and sundry times required and instantly desired the sayd I. W. and E. G. W. and T. S. as well to deliuer vnto your said Orator the said euidences, deeds, writing and muniments concerning the premises, as also to auoid the possession of the premises, and peaceably and quietly to permit and suffer your said Orator and his assignes, to haue and enioy the same, and to receiue and take the rents and profits thereof to his owne vse, according to his said interest and title therein, which to doe, they at all times haue refused and denied, and yet doe, contrarie to all right and good conscience. And forasmuch as your said orator knoweth not the certaine number, contents, ne other certainties of the said euidences, deedes, writings, and muniments, nor wherein they be contained. And also for that the said I. W. E. G. W. and T. S. be of so great substance and riches, and also greatly friended, and borne in the said Countie of W. And your saide Oratour being but a poore man, and hauing but few friends in the said Countie, the same your said Orator is, and shall bee therefore without remedie concerning the premisses by due course and order of the Common law, and otherwise, vnlesse your good Lordships ayde and fauor be vnto him shewed in this behalfe. In consideration whereof, may it please your good Lordship (the premisses tenderly considered) to grant vnto your said Orator the Queenes most gratious

generall Writs of Subpœna to be directed vnto the said A. Wiersbicke E. W. S. and W. H. commanding them and euery of them by the same personally to appeare in the most ho. Court of Chancerie, at a certaine day, and vpon a certaine paine by your good Lo. to be limitted therein, then and there to make answere to the premisses: and further to be ordered therein, as shall accord with right and good conscience. And your said Orator shall dayly pray &c.

The Answere of I. W. to the Bill of Complaint of R. K. Husbandman.

Sect. 136. THe said defendant saith, that the said Bill of Complaint is vncertaine and insufficient in the Law to be answered vnto, and the matters therein contained vntrue, and principally imagined, and pursued by the vnlawfull procurement, bearing, and suppertation of one W. C. Esquire, to the intent to put the said defendant to trouble, costs, and expences, intending thereby so to vnquiet and impouerish the saide defendant, as hee should be faine to leaue the right, title, and interest, of and in the premisses, so that the said W. might purchase and buy the same of the said complainant: And of late the saide W. C. hath made meanes vnto the said I. W. now defendant, to buy his title and interest, of, and in the premisses, and threatned him to haue the same, and if hee would not let him haue it with his good will, that then he would gaine it against his will, whosoeuer tooke his part: and if the contents of the said Bill were true (as they are not) yet were the matter determinable at the common Law, and not in this hon. Court, whereunto the said def. prayeth to be dismissed: and yet neuertheless, the aduantage of the premisses vnto this def. at all times saued. For further answere vnto the said Bill for declaration of the trueth of the contents of the said Bill, the said def. saith, and euerie of them saith, that long time before the said A. K. mentioned in the sayde Bill of Complaint, any thing had in the said messuage and other the premisses, or that the saide W. R. was thereof enfeoffed, E. K. of P. E. S. of S. and W. of E. was thereof seised in their demesnes as of fee, and so being therof seised by their writing indented, ready to be shewed the said messuage & other the premisses contained in the said Bill of Complaint, amongst other things gaue, demise, deliuered, and by their said writing indented, confirmed, vnto the saide W. R. mentioned in the said Bill of Complaint, and vnto A. his wife, to haue and to hold the sayde messuages, and other the premisses, vnto the said W. and A. for terme of their liues, and to the wife of the longer liuer of them. And the saide E. and E. willed and declared in the said writing indented, that the saide messuage and all other the premisses should remaine vnto the said A. mentioned in the said Bill of Complaint, and vnto A. his wife, and vnto the heires and assignes of the said A. for euer: Without

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nit that, that the said W.R. did infeoffe, of and in the said messuage, lands, tenements, and other the said premisses, the said A. and A. to haue to them and to their heirs males of their two bodies lawfully begotten, or that the said A. and Agnes were seised of and in the premisses in their demesnes as of fee taile, as in the said Bill of compl. is surmised, and without that, that after the death of the said W. the remainder of the premisses in fee simple discended vnto the said A. as sonne and heire vnto him, or that after the death of the said A. and A. the said messuage and other the premisses descended, and of right ought to descend or come vnto the said J.R. in the taile speciall as sonne and heire male of the bodie of the said A. and Agnes lawfully begotten, either any other discent or inheritance therein of a meere fee simple, or that the sayde J. by his entrie into the said messuage, and other the premisses, after the death of his father and mother, was then seised of and in his demesne as of fee taile speciall, or of any such estate died seised, or that after the death of the said J. that the said messuage and other the premisses, or any part or parcel thereof discended and came, or of right ought to discend and come to the said compl. as brother and heire male to the said J.R. by vertue of any gift, or otherwise, as in the bill of compl. is vntruly surmised: But the said def. doe auer, and are and shall be at all times readie to proue, as this honor. court shall award, that the said messuages and all other the premisses, by and immediately after the death of the said J.R. discended, and of right ought to discend and come to one A. daughter and heire of the said J. lawfully begotten on the bodie of the said E. one of these defend. the which A. is yet in plaine life, and in the ward and custodie of her said mother: and without that, that any deed of taile was made, of, and by the said W.R. the Grandfather, or any other euidence, deeds, writings, or munitments concerning the premisses, proouing the said interest and title of the said compl. of the premisses, and euery part and parcell thereof, to bee come to the handes and possessions of the said J. W. and E. his wife, or either of them, or to the custodie or possession of any other by their deliuerie, conueyance, or appointment: but truth it is, that the said defendants haue in their custodie, one writing indented readie to be shewed, whereby the remainder of the premisses is conueyed vnto the sayde A. and Agnes his wife, and the heyres and assignes of the said A. forever, as is aforesaid, and diuers other euidences and writings, proouing and concerning the conueyance of the fee simple of the said messuage, and other the premisses vnto the said A. and other his Auncestors, the which charters, euidences, and writings, the said Defendants doe still with them detaine and keep, as good and lawfull is for them to doe, aswel for the proofe and preseruation of their right, title, and interest, vnto the third part of

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the premisses for the dower of the said E. as for the preseruation of the right, title, and interest of the said A. daughter and heire to the sayd R. of, and in the said messuage, and other the premisses: without that the said defen. haue at any time wrongfully entred into the said messuage, and other the premisses, or into any part thereof, or the profits thereof doe wrongfully detaine and keepe from the said compl. or the rents, issues, and profits thereof, haue wrongfully distrained, perceined, and taken to their owne vse, as in the same bill is also vntruly surmised.

A Supplication in the Chancerie vpon deceit by a Partner.

Sect. 137. IN most humble wise complaining sheweth, &c. That whereas vpon the imagination of honestie and good opinion that R. C. father vnto your said orator deceased, had in one T. T. &c. the said R. about Easter last past, did coyne in bargaine with the said T. T. for the deliuerie of so much wares, whereof the moitie was the said R. as amounted to the summe of, &c. vnto one I. S. of the Q. Maiesties houshold esquire, for the which summe of, &c. the said S. stood bound by the statute of the Staple, vnto the said R. C. and T. T. payable at the Feast of &c. then next &c. which was in the yeare of our Soueraigne, &c. And to the intent that the same R. being a man of such honestie and simplicitie, as did neither suspect, nor yet doubt the good conscience of the said T. who alwaies toward him had counterfeited such puritie of conscience, and so honest behauior, might the better by the helpe of the same T. come by his debt, at the time to be due, if he so long lined, or else if he died, that the said T. might be as a stay and sure meanes to his Executours, for the getting of the same, he the same R. trusted to the said T. with the custodie of the said Statute: Soone after the making of which bargaine, and somewhat before the said feast of &c. the sayd R. deceased, and made your Orator his Executour, thereby charging him as well with the gathering in of all such summes of money as were due to the said testator, as also with the paiment of al such debts, as the said R. did owe. And so it is, most gratious Lord, that although your sayde Orator hath diuerse and sundrie times since the decease of his said Father, required the said T. to haue the saide moitie of, &c. due to him by equitie and good conscience, as executor vnto his said Testator, &c. The said T. (now declaring himselfe what hee is) hauing regard neither to conscience, common honestie, nor yet to the trust hee was put in, minding if he can (with what iniurie heecareth not) vtterly to barre your said Orator from the hauing thereof, and he himselfe against all reason and conscience to haue the said &c. for nothing: hath not onely with many sleights and subtill delaies, lingred and delayed your sayd Orator long time from hauing the same: but also now lately hath

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plainly anſwered and affirmed, ỳ your ſaid Oratour ſhal haue no part nor penie thereof, which if it ſhould thus paſſe, ſhould be both great incouraging to ſuch corrupt conſcioned perſons, ſtil to perſeuer in ſuch their lewde demeanor, and in the meane time, turne to the great impouerſhing of your ſaid poore Orator: Wherefore may it pleaſe your Ho. L. of your accuſtomed equitie, to ioyne the ſaid T. ỳ hee repay vnto your ſaid Orator the ſaid &c. moitie of the ſaid &c. if he haue receiued it of the ſaid S. or if he haue not, that he be no let to your ſaid Oratour, to doe therein what he can, for the obtaining and getting in the ſame. And thus ſhall your ſaid Orator haue cauſe continually to pray for the proſperous eſtate of your good Lordſhip long to indure.

A Bill of Complaint for the recouering of Euidences made by compulſion by a man in priſon without conſideration.

IN moſt humble wiſe complaining, ſheweth vnto your good Lordſhip your daily Oratrix I. W. That whereas in ỳ yeare &c. it chanced the huſband of your ſaid Oratrix, together with one &c. ioyntly and ſeuerally to be bounden in a recogniſance of the ſum of &c. knowledged before your good Lo. in the M. Ma. Court of Chancerie, for the payment of &c. payable at a certaine day now paſt, vnto one &c. for which ſum not being paid at the day due, the ſaid &c. hath ſued execution againſt your ſaid poore Oratrices huſband, whereupon he was by the ſheriefe of &c. arreſted about &c. paſt, and by all the ſaid ſpace hath remained in the M. Maieſties priſon of Marſhalſey, to his great paine of bodie, importable charges, and in maner vndoing, both of him, your poore Oratrix, and their ſmall children, which pitieous eſtate of his, (with him ſelfe lamenting) after he had well conſidered, he then conſulted with himſelf, for his beſt remedy in that behalfe, and therewithal calling to his mind, that he had &c. a kinſman and cozin called &c. beeing of &c. vnto whome your ſaid Oratrices huſband, for the vicinitie of blood, and abilitie of ſubſtance, was bolder to make his mone for helpe of this his aduerſity, than vnto any other. But (far contrarie to his expectation, and againſt all humanitie) whence your ſaid Oratrices poore huſband looked for moſt ſuccour, thence hee receiued not onely leaſt helpe, but alſo moſt hurt. For the ſaid &c. well perceiuing the aduerſe eſtate that your Oratrices poore huſband was, and is in, which was the greedineſſe of the Merchant for his money, the earneſt thought and care of your poore Oratrix, and her poore children, and the great deſire that her ſaid poore huſband had (as any man would) of libertie, and diſcharge of trouble, would by no meanes promiſe his helpe vnto her ſaide poore huſband herein, vnleſſe hee would bee content to bargaine and ſell his landes, Sect. 138.

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amounting to the yearely rent of &c. vnto him the said &c. for an annuitie of &c. li. dwelling to him, during his life, and for the sum &c. whereof &c. to be paid in hand, whereunto your said poore Oratrices husband through the constraint of his sayd case, was compelled to agree, and to seale such writings as the said &c. not long after hee brought to him indentures concerning the bargaine, nothing doubting of &c. beeing his cosin, but that they would haue sealed to none other, but onely such as conscience would stand with, at which time the same &c. neither payed nor proffered any penie of the said &c. according to his couenant, with delay of payment, both against his promises and couenant: After her said poore husband had studied vpon, and therewithall read ouer the couenants comprised in the said indentures of this bargaine, which indeed (most honorable Lord) were so partially deuised for the behoofe of the said &c. and againe, so sore against your said poore oratrices husbād, as (if the bargaine had taken effect) had beene to the vtter vndoing of him and her, with all their heires for euer, your saide poore Oratrices husband, taking hold on the point that the said &c. paied not the foresaid &c. did at their next meeting, renounce and say, ỹ he would not stād to the said couenants and bargaine, whereunto the said &c. partly acknowledging in that he had not paied nor proffered this &c. said before sufficient witnesses here readie to be sworne, he was contented, howbeit he said, ỹ your said poore Oratrices husband, should pay for the making of the writings: For the paiment whereof her said husband, as they hauing no great store of mony, was faine to giue him a gold Ring in pledge, to pay the Scribe for writing of the same: All this notwithstanding (most hon. Lord) and that your said poore O. husband, hath often and sundrie times by many wayes and meanes required the same writings, concerning the said bargaine of the said &c. he against all naturall loue and humanitie, nothing more couet, than the extreame destruction of her and her said poore husband, and well perceiuing how far he is now vnable to help himselfe, hath vtterly denied to render the same, and yet doth, contrarie to all conscience, law, or right. In consideration whereof, may it like your honorable Lordshippe, of your accustomed pitie, to call the said &c. before you together with the husband of your said poore Oratrix, and there to will him to deliuer the saide writing againe to her husband, if it shall so seeme good vnto your ho. or else to shew sufficient matter why he should keepe the same. And your sayd Oratrix with her poore husband, and their poore children shall pray &c.

A

A Bill of title of Copihold lands praying an Iniunction.

HVmbly complaining, &c. your daily ozato2 W. S. otherwise named W. L. of L. Cosine and heire of J. S. otherwise called J. L. while he lined, &c. that whereas your said ozato2 at your L. last being at &c. did exhibit vnto you a certain bill of compl. mentioning therin, that fozesaid J. S. otherwise called J. L. in his life time was seised of and in certain customarie lands and tenements, ỹ is to say, of and in, &c. holden by copy of Court-roll of the manoz of, &c. at the will of the Lozd of the said manoz, accozding to the custome of the same mannoz of which one L. L. then was, and yet is lozd, and that the same J. S. so being seised of the pzemisses, afterwards of like estate died therof by pzotestatiõ seised, after whose death the said, &c. wt the appurtnances, and the right, title, vse, possession, and inheritance therof discended and came, and of verie right ought to discend and come vnto your said ozato2, as cosine and nert heire of the said J. S. ỹ is to say, as yongest son of J. yõgest son and heire of the same J. S. accozding to the antient custome of the said manoz. And that your said Dzato2 had often and sundzie times desired and pzaied the said, &c. that with lawful warning vnto the tenants of ỹ said L. a Court might be holden at the said Mannoz, by whose enquirie, the title of your said Dzatour might be pzesented and found in the pzemisses, accozding as both Iustice, right, and good conscience doe require. Howbeit most honozable Lozd, that notwithstanding, fozasmuch as the same, &c. hath kept the pzemisses in his owne hands these many yeares past, and the pzofits and issues therof comming, hath by the same space to his owne pzoper vse receiued and taken, and yet doth, your said poozeDzato2 could neuer get the same, &c. to hold a Court there, minding thereby vtter disinheriting vnto your sayde poozeozato2, of, and in the pzemisses: Untill such time as your said most honorable Lozdship, moued with your accustomed loue to iustice, and pity towards pouertie, vouchsafed to grant your benigne Letters directed to the sayde, &c. willing him thereby with lawfull warning giuen vnto the tenants of the said lozdship, to summon and keepe a court of the said mannoz, foz the triall of the right of your said Dzato2 to the pzemisses, vpon the receipt of which Letters, the said &c. summoned and kept a Court at his said Manoz of, &c. Whereat vpon the open and plaine declaration of your said Dzatozs title, together with the examination of diuers witnesses bzought in by your said ozato2, foz the due pzoof of the said title in the pzemisses: And further, vpon ỹ shewing of such substanciall and auntient euidences maintaining the same, the Homage therwith charged and swozne did pzesent and find at the said &c. (befoze

Sect. 139.

J. S.

J.S. Steward of ỳ ſame Court) that the foꝛeſaid J. S. was poſſeſſoꝛ, and held the pꝛemiſſes by copy of Court Roll, accoꝛding to the cuſtome of the ſaid manoꝛ: And that alſo your ſaid Oꝛatoꝛ was coſin and heire to the ſaid J.S. accoꝛding to the cuſtome of the manoꝛ: that is to ſay, ſonne of J. yonger ſonne of &c. as by the Copy of the ſame Court rolle readie to be ſhewed moꝛe plainly, may appeare vnto your good L. After which pꝛeſentment at the ſame Court, it was agreed betwixt the ſayde Steward, in the name of ỳ ſaid &c. and your ſaid Oꝛatoꝛ, that if the ſaid &c. would not declare and ſhew vnto your ſaid oꝛatoꝛ, oꝛ to his learned Counſell at London, within one Terme then next enſuing, a better title and intereſt to the foꝛeſaid pꝛemiſſes, than your ſaid Oꝛatour had then and there alreadie pꝛoued, that then your ſaid Oꝛatoꝛ ſhould haue and enioy the pꝛemiſſes to him and to his heires, accoꝛding to right, equitie, and good conſcience, and accoꝛding to the cuſtome of the ſayde manoꝛ. But ſo it is (moſt Ỳ. Lord) that although the ſaid &c. as he cannot, ſo hath he not by the ſaid ſpace pꝛooued any maner of title, oꝛ colour of title to ỳ pꝛemiſſes, but onely with ſuch and like fraudulent delaies, he intendeth to weary your ſaid Oꝛatoꝛ from the obtaining of ỳ pꝛemiſſes, and if he can, diſinherite him from the ſame: Wheꝛefoꝛe, may it &c. of your accuſtomable goodneſſe alwaies to pouertie extended, to grant vnto your ſayd Oꝛatoꝛ the D. moſt gratious writ of Subpœna, to be directed to the ſaid &c. commanding him by the ſame, not only to appeare perſonally beꝛoꝛe your good L. in the high Court of Chancery, at a certaine day, and vnder a certaine paine by your good L. therein to be limitted: but alſo to permit and ſuffer your ſaid Oꝛatoꝛ peaceably to haue, hold, occupy, poſſeſſe, and inioy the pꝛemiſſes aboꝛeſaide, and the pꝛofits and iſſues of the ſame, vntill ſuch time as the ſame &c. hath duely appꝛooued better title to the pꝛemiſſes, than he hath heretofoꝛe done. And your ſaid poꝛe oꝛatoꝛ ſhall &c.

A Bill of Complaint for debt without ſpecialty.

Sect. 140. IN moſt humble wiſe ſheweth and complaineth vnto your good Lo. your dayly Oꝛatoꝛ and poꝛe bedeman J.G. of Ỳ. in the Countie of D. That where the ſaid J.G. by way of pꝛeſt, at the feaſt of Pentecoſt, in the 34 yeare of the raigne of our Soueraigne Lady the Qu. Maieſtie that now is, did deliuer vnto one W.L. late of Ỳ. in the ſaid Countie of D. the ſumme of eighteene pounds of lawfull money of England, to be payed vnto him at the feaſt of Saint A. then next enſuing, beꝛoꝛe which day the ſayd W.L. by his laſt will and teſtament, conſtituted and made one E. then his wife, his executrix, and died, and left vnto the ſaid E. then his executrix, of his owne pꝛoper goods, (all

his

his debts paid) the ſumme of 100 li. of whom your ſaid Oratour ſundrie and many times hath required paiment of the ſaid 18 li. which to content and pay, the ſaid E. did neuer vtterly denie, but did require reſpit for the paiment of the ſame, and before the ſaid E. did content and pay any peny of the ſaid 18 li. the ſaid E. on her death bed, by her laſt Will and Teſtament did conſtitute and make one I. S. her ſonne her executor, and died, and left vnto him ſufficient of the goods of the ſaid W. for the contentation and payment of the ſame xviij li. and after died, ſince whoſe death the ſaid compl. dayly, ſundry and many times required the ſaid I. S. to content and pay vnto him the ſaid ſum of 18 li. which to do, he hath at all times refuſed, and yet doth, contrary to right and good conſcience, to the vtter vndoing of your poore Orator for euer. And for becauſe your Orator hath no ſpecialtie, whereby he ſhould charge the Executor or the executrix of the ſaid W. L. he is therefore without remedie by the order of the common Law of this Realme, and is like vtterly to loſe the ſaid 18 li. vnleſſe your gratious fauour be to him ſhewed in this behalfe: In tender conſideration whereof it may therefore pleaſe your good L. (the premiſſes conſidered) to grant the Qu. Maieſties writ of Subpœna to be directed to the ſaid I. S. commanding him by the ſame perſonally to appeare before your good L. in the Q. moſt gratious court of Chancerie, &c.

The anſwer of the ſame Bill for eighteene pound lent without ſpecialtie.

THe ſaid I. S. by proteſtation not knowing that the ſaid Complainant did deliuer the ſaid W. L. in the ſaid Bill named, the ſumme of eighteene pounds, or any part thereof, by way of preſt, as in the ſayde bill is ſurmiſed: He further ſaith, that the ſaid bill of complaint is vncertaine and inſufficient in the law to bee anſwered vnto, and much of the matter therein contained is fained and imagined, for veration and trouble of the ſaid I. S. notwithſtanding the aduantage thereof to him at all times ſaued: The ſayd I. S. for further anſwer vnto the ſaid Bill ſaith, That long time before the ſaid E. L. was conſtituted, and made executrix vnto the ſaid W. L. the ſaid E. was married vnto one R. S. father of this defendant, by the ſpace of twentie yeares, and more, which ſaid R. S. by his laſt will and teſtament conſtituted, ordained, and made the ſaid E. and the ſaid I. S. his Executours, and died, and left to the order and diſpoſition of the ſaid Executors goods and cattells of his owne, to the value of two hundred pounds ſterling, and aboue. All which goods and cattells for the moſt part of the ſame, beeing and remaining in the hands and cuſtodie of the ſayde E. the ſame Sect. 141.

ſame E. married tooke to huſband the ſaid W. L. which ſaid W. after the marriage had betweene him and the ſaid E. did miſpend, waſt, and conſume of the ſaid goods and chattels late of the ſame R. S. to the value and ſumme of one hundred and fortie pounds ſterling, and aboue. And after the ſaid W. L. by his laſt will and Teſtament ordained and made the ſaid E. executrix thereof, and died a very poore man, hauing no power of goods nor chattels at the time of his death, of his owne, to the value of xx s. ſterling. And afterward the ſaid E. by her laſt will ordained this defendant executor thereof, and died, ſince whoſe death there hath not come to the hands of this Def. of the goods late of the ſaid W. L. to the value of xx s. ſterling, without that, that the ſaid W. L. at his death left vnto the ſaid E. of his owne proper goods to the ſumme of one hundred pounds ouer his debts payd, or yet the ſumme of xx ſhillings ſterling, or that the ſaid E. after the death of the ſaid W. L. did euer conſent to agree to pay the ſaid eighteene pounds vnto the ſaid Complainant, or did require him to reſpite the payment thereof, or that the ſaid E. at the time of her death left vnto the ſaid Defendant ſufficient of the goods of the ſaid W. L. for the contentation and payment of the ſaid eighteene pounds, as in the ſaid bill of complaint vntruely is ſurmiſed. And without that, that any other thing comprized in the ſayd fained bill of the foreſaid I. which is materiall to be anſwered vnto, and in this anſwer not confeſſed, auoided, or trauerſed, is true. All which matters, &c.

A Bil of Complaint vpon certaine griefes, requiring a writ of Certiorari.

Sect. 142. In moſt lamentable wiſe ſheweth vnto your good Lordſhippe, your daily poore Orator I. W. of London, That where one A. H. of London aforeſaid Merchant Tailor borrowed of your ſaid Orator twelue pounds ſterling to be paid at the ſaid, &c. at a certaine day betweene them agreed, which day was expired and the ſaid ſumme of money not payed, wherefore the ſaid A. for that he had not readie money, deſired your ſuppliant to take a certaine white broad cloath in pawne, containing fortie yards cut in peeces for the ſaid twelue pounds, which cloath was ſold and deliuered to your ſaid Orator by a bill of ſale, wherein the ſaid A. H. ſtandeth bound, with condition in the ſame Bill declared, That if the ſaid cloath were not redeemed by a certaine day, in the ſaid Bill limitted, that then the ſame cloath to be to the only vſe of your ſaid orator, for contentation and whole paiment of the ſaid xij pounds.

Since

Since ỹ which time the said A. counselled your said oratoꝛ to put foꝛth the said cloth to one L.M. of London Shereman, to be died of seuerall colours foꝛ his moſt pꝛofit, by the means wherof the said W. was contented to take the said bꝛoad cloth foꝛ the payment of the said mony, and afterward the said cloth was deliuered to the said L.M. and within fiue dayes after the deliuery of the said cloth to the said L. one R.M. Spaniard affirmed a plaint of debt againſt the said A. and accoꝛding to the cuſtome of the citie of London, hath cauſed Attachment to be made of the said bꝛoad cloth, as debt due by the said A. vnto the said R. whereas the said cloth is your said oratoꝛs: Notwithſtanding by reaſon of the said attachment, your said oratoꝛ retained counſell in the Guildhall at London, where the matter was at an iſſue, wherevpon the Jury was impanelled, ſince the which time foꝛ the ſpace of thꝛée court dayes, your said oratoꝛ did giue attendance thers to haue the said matter heard, and the said plaintifes counſell would not ſuffer the said Jurie to appeare, ſo long as your said ſuppliant did applie and purſue his cauſe, with effect herein. And foꝛ that the said R. and his counſell would not pꝛoceed in his said action, your said oratoꝛ ſuppoſed, that it ſhould no moꝛe bee called vpon, by occaſion whereof, your oratoꝛ beeing about his buſineſſe in the Countrey, in the meane time, the said R.M. with his counſell (hauing knowledge that your said oratoꝛ was out of the citie, & in the countrey) inſtantly laboured the Jury to appeare in the abſence of your said oratoꝛ, and by their ſubtiltie and craft the ſaide Jury did appeare, and paſſed againſt your said oratoꝛ, contrary to all right, lawe, and good conſcience, which ſhall bee to the great impouerithment and vndoing of your said oratoꝛ foꝛ euer, vnleſſe your good Lꝛdſhips lawfull fauour and ſuccour be to him ſhewed in this behalfe. In conſideration whereof, might it therefoꝛe pleaſe your good Lꝛdſhip to grant the Mu. writ of Certiorari, to be directed to the Maioꝛ and Sheriffes of L. commanding them and euerie of them, by vertue of the ſame, to certifie befoꝛe your good Lꝛdſhip in the Quenes moſt hon. court of Chancery, at a certain day by your good L. to be limitted, the said attachmẽt, and all the matter concerning the ſame, and to examine the said matter, and all the whole circumſtance therof, and to ſtand to ſuch oꝛder and direction therein, as ſhall ſtand with right, equitie, & good conſcience. And your said oratoꝛ ſhal pꝛay to God foꝛ the pꝛeſeruatiõ of your good Lꝛdſhip long to continue.

A Bill where a Iurie hath passed in a matter wrongfully praying a Certiorari.

Sect. 143. IN most humble wise sheweth and complaineth vnto your most Honorable good Lordship, your poore suppliant and continuall Orator P. of W. of the citie of L. Broker, That whereas one A. Y. of the said citie marchant stranger within the said citie was possessed of, and in certain linnen clothes, to the value of 20. li. sterling, and to your poore suppliants knowledge then, and as yet as of his owne meere proper goods and chattels, and so thereof being possessed, the same within the said citie delivered to your poore orator, being a Broker, safely to keepe and to sell any merchandise by the discretion of your poore suppliant, to the vse of the said A. by force whereof, your orator made sale thereof, to certaine persons within the same citie, and the money, goods, and marchandises thereof received and taken, delivered vnto the sayde A. And so it is, right honorable Lord, that after and since the sale thereof made, one I. S. Marchant stranger, pretending a propertie in the foresaid linnen clothes, hath commenced an action vpon his Case against your poore suppliant in the Guildhall, set and being within the foresaid citie, before the Sherifes thereof, and therevpon hath declared, that the said I. should haue lost those goods, and that they came to the hands and possession of your poore suppliant within the said citie by way of Trouer. And furthermore that your poore Orator was sundry times required to make deliverance thereof to the said I. and that refused, and the same afterward solde, and the money thereof received conuerted to your Orators vse, to which matter one I. M. your poore Suppliants Atturney, rashly without aduisement or counsell therein taken, said that your poore Orator did not sell the said clothes nor any part thereof, and vpon the same matter, whether any sale thereof was made by your suppliant or not, an Issue was taken, and the Iurie tried, sworne, and charged, found a sale made by your poore Orator of the said clothes (as the truth was) nothing regarding to whome the propertie of the sayde goodes was, at the time of the sale thereof made, because of the plea so vnaduisedly pleaded, it was confessed in point of iudgement, the propertie thereof to bee in the saide I. S. and so it is, right honourable Lord, that the sayd Atturney might haue taken an issue, that your sayd Orator sold no clothes of the saide I. because of truth the clothes were the proper clothes of the saide A. and not the clothes of the saide I. and so the Iurie should haue tried in whome the propertie was, and because the propertie was not put

in

in issue, the Jurie had no warrantie to enquire therof, and in case they
has béene the clothes of the said J. as they were not indeed, your poore
orator ought not by order of the law to haue bin charged, because they
were deliuered to your orator by the hands of the forsaid A. to sell, and
your orator did accordingly. And the money, goods, and marchandises
therof receiued, deliuered to the said A. and so if any trespas or wrong
was done to the said J. it was done by the said A. and not by your sayde
orator, against whom the said J. may take his action. For your poore o-
rator at the time of the said action commẽced, neither had the said goods
in possession, ne any other things in lieu or consideration of the same
goods. And also there is a custome within the said city, That if any Up-
holster or Broker sell any goods within the same city to any person or
persons of the same citie, vpon the deliuerie of any person, for, or at the
request of him hauing witnesse of the deliuerie thereof to him made, or
bring out the partie who deliuered them vnto him, not being himselfe
particeps criminis, should be discharged, and not damnified for that his
offence doing in making sale therof. And also by the order of the comon
lawes of this realme, a man comming immediatly to the possession of ỹ
goods, not being partie to the first wrong, shall not be charged in an acti-
on of trespas, which matters, or any of thẽ, if they had bin pleaded, had
poore suppliant could not be receiued to giue thẽ in euidence to ỹ Jury,
and so your poore orator is like to pay to the said J. the value of the said
clothes, the said J. hauing no propertie, right, nor title to the same, vn-
lesse your most hon. L. fauor be shewed herein. In consideration whereof
it may please your most ho. L. the premisses tenderly considered, to grãt
the K. most gratious writ of Certiorari to be directed to the sherif of the
said city, commanding them and euery of them to certifie before your
good L. the whole record of the premisses depending before them, or ei-
ther of them in the Kings most gratious court of chancerie, at a certain
day by your good L. to be limitted, and therein further to proceed, & fur-
ther to grant the Kings most gratious and spéedie writ of Subpœna, to
be directed to the said J. commanding him personally to appeare before
your good L. in the said court of Chancerie at a certaine day, and vnder
a certaine paine by your good L. to be limitted therein, to stand to, &c.
bin a sufficient matter of bar, and because they were not pleaded, your

A Bill containing that the plaintife taking vp of a Mercer vpon his credite, ſilkes and velvets, put his hand to the debt booke of the parcels of the ſayd ſilkes and velvets, witneſſing his debt for the ſame: and afterwards the plaintife for his better ſecuritie of the ſaid debt, made him a bill of his hand for the ſame debt: and that the plaintife afterwards at the deſire of the Mercer, procured his eldeſt brother to become bound to the ſaid Mercer for the paiment of the plaintifs ſaid debt, vpon the Mercers promiſe, to take no advantage thereof vntill after the death of the plaintifes father. Afterwards the Mercer dieth inteſtate, and the adminiſtration of his goods is committed to R. A. by a practiſe of the Mercers creditors, the Adminiſtrater bringeth an action of debt againſt the ſaid plaintife, vpon his ſayd Bill of debt: and alſo threatneth to ſue the plaintife and his brother vpon the ſaid booke of parcels, and the bond: and then ſheweth that he tendred the debt to the adminiſtrater, who refuſed the ſame, and ſo prayeth proceſſe.

To the right honorable Sir Io. P. Knight, Lord Keeper of the great Seale of England.

Sect. 144. IN moſt humble wiſe complaining, ſheweth vnto your honorable Lo. your dayly Oratour T. D. Gentleman: That whereas your Oratour being of late ſeruant in houſhold to the right honorable ſir C. H. Knight of the moſt noble Order of the Garter deceaſed, late Chancellour of Engl. having then ſmall maintenance from I. D. of D. in the Counties of C. Eſquire his father, did make his eſtate knowne to one N. B. of London Mercer, now deceaſed, being your ſaid Oratours verie neere kinſeman, who was content to giue your ſaid Oratour credite for diuers parcels of ſilkes and velvets at ſundrie times, amounting in the whole to the ſumme of xxij li. or thereabouts, for the which your Orator did ſubſcribe his hand to the debt bookes of the ſaid N. B. wherein the ſaid parcels of ſilkes were ſet downe vnder the ſame parcells, witneſſing the ſaid debt. And at another time after that, your ſayd Orator did ſeale and deliuer vnto him a bill of your Oratours hand for his better ſecuritie of the paiment of the ſaid debt. And afterwards becauſe your Oratour was but a younger brother, the ſaid N. B. deſired your Orator to procure his eldeſt brother P. D. ſonne and heire apparant of the ſaid I. D. for the better ſecuritie of the ſaid debt to become bound to the ſaid N. B. by Obligation for the paiment of the ſaid debt, promiſing neuertheleſſe to take no aduantage of the ſaide Obligation, nor to put the ſame in ſuite during the life of the ſaid I. D. whereupon the ſaid P. D. at your Orators requeſt did become bound to the ſayde N. B. by obligation accordingly, and your Oratour did then ſeale and

deliuer

deliuer to the said P.D. his brother a counterbond to saue him harmeles from the saide Obligation. So as the saide M. B. by the seuerall meanes aforesaid had three seuerall kinds of assurances or specialties for one and the selfesame debt, that is to say, his debt booke subscribed with your orators hand, a bill of debt sealed and deliuered vnto him by your orator, and an obligation sealed & deliuered vnto him by the saide P.D. And now so it is, if it may please your good L. that the said M.D. is lately deceased, after whose decease the administration of his goods & cattels is committed to one R.A. an vnknowne person that cannot be found, whose name is but vsed by others in all vnconscionable suites. For if it may pease your good Lo. R.S. Alderman of London, R.W. and F.S. pretending themselues to be creditors of the said M.B. hauing procured the saide bill of debt and obligation to bee set ouer vnto them, haue thereupon not onely commenced suit in the Qu. Maiesties court of Common pleas at Westminster, in the name of the said R.A. as Administrator of the goods and cattels of the said M.B. against your said orator vpon his said bill of debt of 22.li. but also doe threaten to commence one other suit against your said Orator vpon the said debt booke, and a like suite against the said P.D. vpon the said Obligation. And albeit your said orator haue diuers and sundry times offered and tendered to pay the saide debt of 22.li. to the said administrator, with such reasonable costs and expences as hath beene by him expended, and bestowed in the said suit at the Common law, and is readie to paie the same: Yet neuertheles the said R.A. R.S. R.W. and F.S. do refuse to accept thereof. And the said R.S. &c. doe verie hotly prosecute the saide suit at the common law in the name of the said R.A. contrary to equity and conscience, doe procure and cause the said R.A. to absent himselfe, so as your said Orator cannot tell wher to finde him to deliuer vnto him any processe to compell him to answere to his said vnconscionable dealing, & yet the said suit at the common law is still prosecuted in his name by the meanes & procurement, and at the costes & charges in law of the said R.S. &c. or some of them, who haue procured the said debts to be alligned and set ouer vnto them as is aforesaid. In consideration whereof, and for that it is against all conscience to take aduantage of the saide treble assurances made for one selfesame debt: and for that your said Orator is remediless therein by the due course of the Common lawes of this realme, and for that your said Orator is ready to pay the principall debt being 22.li. together with reasonable costes of suit: May it therefore please your good Lordshippe to grant vnto your saide orator the Qu. Maiesties most gracious writ of Subpœna, to bee directed to the said R.A. R.S. &c. commanding them and euery of them to appeare personally before your good Lordshippe in her Maiesties high

court of Chancerie, at a certaine day, & vnder a certaine paine therin to be by your good Lordship limitted, then and there to answere to the premisses, & to stand vnto & abide such further order & direction therin, as to your good L. shall seeme to stand with iustice and equitie, and your said orator shall dayly pray &c.

A bill containing, that a widow seised in fee of three measses &c. thereof enfeoffed diuers persons in fee for the performance of her last Will and Testament, and by the same she deuised the said measses &c. to her sonne in taile generall with diuers remainders ouer, and died. That the deuisee died, hauing issue the plaintife. That the feoffement and will is come to the defendants hands. That by colour thereof he hath entred and expulsed the plaintife, and hath made diuers secret estates to diuers vnknowne persons to defraud the plaintife of his apt remedie by the common law, and so praieth processe against the defendant.

To the right Honorable Sir T. E. Knight, Lord Keeper of the great Seale of England.

Sect. 142. IN most humble wise complaining sheweth vnto your good Lo. your daily orator I. B. labourer. That whereas R. G. widow was lawfully seised in her demeine as of fée, of, & in three measles, 20 acres of land, meadow, leasow, & pasture, with the appurtenances, set, lying, & beeing in M. in ỳ County of B. And the said R. G. beeing so seised of all the premisses, did of the same about forty yeares last past enfeoffe certaine persons, To haue & to hold to them and their heires, to the vse & performance of the last will and Testament of the said R. G. and by the same her Will deuised all the premisses, or the vse thereof to her son W. B. & to the heires of his body lawfully begotten, with diuers remainders ouer, and died, by & after whose death, the said W. B. into the premisses entred, and was thereof lawfully seised in his demeine as of fee taile generall by force of the gift aforesaid. And the said W. B. so being seised of the premisses, died of such an estate thereof seised, by & after whose death the same premisses did descend & come to your said orator, as son and heire of the bodie of the said W. B. by force of the deuise aforesaid, by reason whereof, your said orator into the premisses entred, and was thereof seised in his demeine as of fée by force of the said gift in taking the issues and profits accordingly, vntill of late, that is to say, about foure yeares last past, that as well the said deed of feoffement and last will and testament aforesaid, as also diuers other euidences, charters, escripts, and muniments, concerning the premisses, are by casuall

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meanes come to the hands, custody, and possession of one R. W. of S. aforesaid in the said county yeoman, who by colour of having of them, hath not only entred into the premisses, and thereof expulsed your said orator, but also hath contrived diuers secret estates to diuers and sundry persons to your orator vnknowne in purpose to defraud and delay your said orator of his apt action and remedie by the course of the common lawes of this realme, for recouery of the premisses, to your orators vtter vndoing, and disinheritance for euer. And forasmuch as your said orator knoweth not the certaine number, nor the dates and contents of the said euidences, charters, escripts, or muniments, nor yet wherein the same be contained, whether in bagge, or bore, sealed, or vnsealed, or in chest locked or vnlocked, by reason whereof your said orator is clearely without all remedie for the recouerie thereof by the ordinarie course of the common lawes of this realme: In tender consideration whereof, may it please your good Lordship, the premisses considered, to grant vnto your said orator the Queens Ma. most gratious Writ of Subpœna, to be directed vnto the said R. W. commanding him thereby personally to appeare before your L. in the Queenes Ma. high Court of Chancerie at a short day, and vnder a certaine paine therein to be limitted, then and there to answere to the premisses, and to abide such order and direction therein, as to equitie and iustice shall appertaine. And your said orator shall dayly pray as he is bounden for the health and long life of your good Lordshippe, with all encrease of honour to Gods will and good pleasure.

A Bill against two for the deliuerie of heir-looms on principals to the plaintife being sonne and heire, according to the custome of the Countie Pallantine of Chester.

To the right Honourable Sir Nicholas Bacon Knight, Lord Keeper of the great Seale of England.

COmplaining, sheweth vnto your good Lordship your daily orator I. S. of Lincolnes Inne Gentleman, sonne and heire of I. S. of D. within the county of C. That whereas the said I. S. was in his life time lawfully possessed, of, and in diuers goods and chatels as of his owne proper goods, that is to say, plate, iewels, houshold stuffe, beasts, cattel, horses, and other manner of goods, amounting to the value of fiue hundred pounds or neere thereabouts, and so being thereof possessed, made his testament and last will, obtaining thereof Elizabeth then his wife, and now wife to W. P. his sole executrix, and shortly after died, possessed of the premisses as aforesaide within the

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saide countie of C. Immediately after whose death, the said E. did take vpon her the administration of the said goods, and other the premisses accordingly, by vertue whereof she was thereof possessed accordingly. But so it is if it please your honor, that the custome of all the countrey within the said Countie of C. is, and time out of minde of man to the contrary hath bin, that if any person or persons being possessed of goods and cattels as of his owne proper goods and cattels, and die thereof possessed, that the nert heire to him that so dieth possessed shall haue the best and principall thing of euerie sort and kinds of the said goods and cattels for and in the name of the principals and heire Lomes, by force and vertue whereof your orator being the sonne and heire of the saide I. S. was after the death of the said I. S. iustly entitled to a great part of the said goods & cattels amounting at the least in value to 200. pounds or neere thereabouts, by reason whereof, and for that your said orator was at the time of the death of his said father vnder age of one and twentie yeares, and yet is, and in ward to the Qu. maiestie, and hauing the possession of so much of all the sayd goods and cattels as to your said Orator did appertaine, and of right belong by vertue of the custome aforesaid, being very neere to the value of 200. pounds by deliuerie of the said E. in her widowhood immediately after the death of the said I. S. your said orator did incontinently thereupon deliuer the same to the said E. to be safely by her kept to your said orators vse, and to be in like manner safely redelinered to your said orator at such time or times as by your said orator or his assignes shee should bee thereunto required, sithence which said redeliuerie made by your saide orator to the said E. as aforesaid, the said E. hath taken to husband one B. P. Gentleman, by reason whereof all the said goods, cattels, and other the premises, were and did come after the said entermarriage into the hands and possession of the same B. P. which said E. sithence the said deliuerie made by your said orator vnto her as aforesaid before the day of entermarriage, hath vtterly refused to make any redeliuerie of the said goods and cattels, so by your said orator to her deliuered as aforesaid, or yet to make any satisfaction thereof to your said orator, and the said B. and E. alwayes sithence the saide entermarriage haue refused and yet doe refuse to redeliuer the same, or yet to make any satisfaction therefore to your said orator, notwithstanding many lawfull and gentle requests to them and either of them made in that behalfe by your said orator, contrary, to all right, equity, and conscience. In tender consideration whereof, and forasmuch as your said orator doth not know or remember the certaine precise particulars or value of the said goods and cattels which of right do belong to your said orator, and deliuered by your said Orator as aforesaid, by reason of your said Orators then

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tender age, being not then of discretion to haue the custodie and rule therof, and so remediles by the order of the common Law for the recouerie thereof, or of any part thereof, or to haue any satisfaction made to your said orator by the said B. and E. or by either of them. It may therfore please your good L. the premisses considered, to grant the Mr. Maiesties writs of Subpœna, to be directed vnto the said B. P. and E. his wife, commanding them and either of them to appeare before your good L. in the M. Maiesties most honourable Court of Chancerie at Westm. then and there to answer to the premisses, and therin to stand to, abide, and performe such order and direction as to your good L. shalbe thought to stand and be consonant to equitie and good conscience, and your said Orator shal daily pray to God for your good L. in health and honor long to continue.

A Bill (by a Nobleman) containing that the plaintife tooke vp vpon his credit velvets and silks of the defendant at a deare rate, and gaue his own bond with sureties for the paiment of the same: and that afterwards hee tooke vpon his credit of him more Velvets and silkes at the like deare rate, and beeing within age, knowledged a statute staple to the defendant for all his whole debt, vpon his promise to deliuer to the plaintife his obligation which he had made for his first debt to be cancelled, the plaintife allowed interest to the defendant for the forbearance, notwithstanding the deare prices and rate he bought the stuffe at, for which the said debt grew, and then sheweth that he payed not his debt at the day contained in the statute staple, and that the defendant threatneth not onely to sue the said Bond, but also to sue execution of the said statute against him, and prayeth deliuerie or release of his obligation and processe against the defendant to answer the Bill.

To the right honorable Sir Christopher Hatton, of the most noble Order of the Garter, Knight, Lord Chancellor of England.

COmplaining sheweth vnto your good Lo. C. S. Lord D. That whereas he the said Lord D. during the time as he was vnder the age of 21 yeares at sundrie times had and bought of one I. L. Citizen and Mercer of London diuers parcells or pieces of Velvet, Silke, and such like at excessiue prices, and not hauing then readie monie to pay for the same, the said Lord D. together with one R. S. Gentleman, and others, did enter into sundrie Bonds to the said I. L. for the payment thereof at seuerall dayes after, alwaies allowing vnto the sayd I. L. ouer and besides the excessiue prices which hee was to pay for Sect. 147. 1

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the same velvets and silkes further consideration, or rather as it may be said vsurie for the forbearing thereof till the time of payment. And afterwards the said Lo. D. during the time of his minoritie aforesaid, had and did buy other parcells of velvets, silkes, and such like, of the said J. L. at like excessive prices, in which likewise the said Lo. D. did not then pay for the prices or summes of money, whereunto the sayd parcells of velvets, silkes, and such like, lastly had and bought after the like excessive prices and rates, together with the said prices or summes of money before due for the other parcells formerly had and bought by the said Lord D. together with consideration, or rather vsurie for the forbearing of and for the paiment thereof till a certaine time then agreed vpon betweene the said L. D. and him the said J. L. did amount and come to the summe of 500 li. for the paiment of which said summe of 500 li. at the time agreed vpon, he the said Lord D. at and vpon the motion, meanes, and intreatie of the said J. L. did during the time of the minoritie of him the said Lord D. become bounden by one Statute Staple vnto the said J. L. in the summe of one thousand pounds, of good and lawfull money of England, taking the word and promise onely of the said J. L. to deliuer vnto him the said Lord D. or his sayd sureties, the said bonds which before he the said Lord D. and his sayd sureties had entred into to the said J. L. or otherwise that hee the sayd John should and would cancell and make void the same, so as thereby, or by reason of any of the said bonds, the said Lord D. nor any of his said sureties should be in any wise sued, vexed, troubled, or charged: But now so it is, if it may please your good Lordship, That the sayd J. L. although he hath beene thereunto in most gentle and friendly manner earnestly requested and desired by the said Lord D. the said R. S. and others the said sureties of the said Lord D. to deliuer vnto them the said bonds so by them made, and entred into to the said J. L. as is aforesaid, or otherwise to cancell and make void the same, yet that to doe the said J. L. hath vtterly refused and denied, and still doth denie and refuse to doe the same. But contrary to his said word and promise as aforesaid made and giuen vnto the said Lord D. for the redeliuerie thereof, or otherwise to cancell and make void the sayd Bonds, doth now daily threaten to put the same in suit at the common law, against the sureties of him the said Lord D. or else already hath so done, contrarie to all right, equitie, and good conscience. And besides this, because the said Lord D. did not pay vnto him the sayde J. L. the said summe of fiue hundred pounds at the time limitted for the payment thereof, which in verie truth he the said Lord D. could not well doe vnlesse he should haue made sale of his lands, to his great dishonour and losse. And notwithstanding that he the sayde Lord D. hath

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sought and made meanes to ẏ said I.L. to compound with him in some reasonable sort, and to accept his money at reasonable dayes, such as he the said Lord D. could and might be well able to satisfie and pay the same, therather considering his great interest allowed in recompence for the forbearing of time and giuing day of payment, and the excessiue prices for which he sold the same silks, veluets, and such like to the sayd Lord D. yet he the said I.L. hath done and daily doeth seeke and goe about to sue execution, and to take the benefite of the said Statute of a thousand pound, against the said L.D. contrary to all equitie and good conscience: The premisses therefore tenderly considered, and forasmuch as the the said Lord D. the said R.S. and others the said sureties of him the said L.D. or any of them, cannot pleade any good or sufficient plea in auoidance or discharge of the saide bonds and statutes, nor of any of them, whereof the saide I.L. most vnconscionably seeketh and goeth about to sue, procure, and take the penaltie, execution, and forfeiture against him the said Lo.D. and his sureties, by the ordinarie course of the common lawes of this Realme, and the rather, for that also the said Lo. D. is and will be readie for the further discharge of the saide R.S. and others his said sureties, to satisfie and pay vnto him the sayd I.L. the said sum of 500. li. at such dates and times, and in such maner and forme as to your good Lo. shall in equitie and right seeme meet and conuenient. It may therefore please your good Lo. to grant her maesties most gracious Writ of Subpœna, to be directed to the said I.L. commanding him thereby at a certaine day, and vnder a certaine paine therin to be limitted, personally to appeare before your good L. in her Ma. high court of Chauncerie, then and there to answere to the premisses, and to shew cause why he the said I.L. should not redeliuer the said bonds to the said Lo.D. and his said sureties, or else to cancell and make voyd the same, or otherwise thereof to release, discharge, and saue harmeless the said Lo.D. and his sureties, as in right and equitie it behoueth: and further to stand to & abide such order and direction therein, as to your good L. and the said hon. Court shall seeme best to stand with equitie and good conscience.

The Answere of I.L. defendant to the Bill of complaint of Ed. Lord D. complainant.

THe saide defendant by protestation not acknowledging or confessing any matter or thing in the saide Bill of complaint contained materiall for the said debt to be answered vnto to be true in such maner and forme as in and by the said bill of compl. is set forth and alledged. For answere saith, that the said complainant about foure yeares past, Sect. 148.

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at seuerall times had and bought of the said Def. diuers parcels of silks, velvets, and wares, amounting vnto the sum of 159.li. 4.s. 5.d. or thereabouts, all which parcels the said Defendant did sell vnto the said complainant for and at reasonable prices considering the dayes of payment, and for the true payment of some part of the said summe, he the said Lo. D. together with the said R. H. in the said Bill of Complaint named, and one D. C. being then the said complainants seruants, did become bound to the saide Defendant by two obligations which they forfeited. And long afterwards, that is to say, in the moneth of May 1588. the said Lo. D. hauing occasion to vse other necessaries for himselfe and his wife, and hauing detained the aforesaide summe 159.li. 4.s. 5.d. from the Defendant a long time, did in the said moneth of May 1588. in respect of the said time past, allow the saide Defendant for consideration but 26.li. 13.s. And in the said moneth of May the said complainant at his earnest request had a new supply of wares amounting to 73.li. 15.s. 4.d. and did then accept of and acknowledge certaine parcels had to his vse by the said Christopherson, to the value of 3.li. 17.s. 9.d. which foure sums do amount to 255.li. for all which said debt the Complainant gaue his owne obligation to the saide Defendant endorsed with condition for the payment thereof the 24. day of June, 1588. After which bond for 255.li. taken, and before the same was due, viz. about the last day of the said moneth of May 1588 the said complainant standing in need both of money and other necessarie furniture for himselfe, his wife and house, earnestly did entreate the said defendant to lend vnto him the said complainant the summe of fifty pounds in readie money, which he protested to be for prosecuting an earnest suit he had against one sir A. L. knight, as this Defendant remembreth, which although the said Defendant could then performe hardly, yet he the said Defendant made meanes for so much money, and did lend the same fiftie pounds to the said Complainant for twelue moneths, vpon allowance of fiue pounds for the same for the said time and no more. And also further did most earnestly desire and entreate him the said Defendant to sell vnto him so much silkes, velvets, and wares to furnish then his present want, as should make the present summe of 255.li. by his bond, and the fiftie pounds lent in ready money, with the fiue pounds for interest thereof as aforesaid, amounting to the summe of 503. pounds, and thereupon the said Defendant deliuered and caused to be deliuered to the said plaintife or his assignes about the said last day of M. and in June following, the said silkes, velvets, and wares at reasonable prices considering ȳ time he gaue for payment of his money due for the same to the value of 190.li. 17.s. 4.d. which made vp all the former summes 500.li. 17.s. 4.d. And for payment of the said summe

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of 500 li. parcell of the ſaid debt of 500 li. 17 s. 4 d. the ſaide compl. did knowledge to the ſaid def. a recognisance or bond obligatorie of the nature of a ſtatute ſtaple of 1000 li. in the ſaid bill of Compl. mentioned, vpō which ſtatute knowledged, the ſaid def. deliuered to the ſaid compl. to be cancelled the foreſaid bond made by the ſaid compl. to the ſaid def. for payment of 255 li. And ſhortly after the knowledging of the ſayd ſtatute, that is to ſay about the ſpace of iiij or v weekes after, and long before the time limitted for the payment of the ſaid Def. principall debt of 500 li. the ſaid compl. purpoſing to defeat the ſaid Def. of his ſayd iuſt and due debt, did purſue a Writ of Audita quærela, ſuppoſing himſelfe thereby to be within the age of xxj yeares, both then and at the time of the knowledging of the ſayd ſtatute, vpon which writ after the ſame was returned into the court of common pleas, and before the ſayd def. had notice or vnderſtanding of the ſame, the ſaid compl. and others the ſolicitors of the cauſe after that he was ſuſpected and viewed by the Iuſtices of the ſame Court, did produce or cauſe to be produced iij perſons or witneſſes before the ſaid Iuſtices to be depoſed that the allegation and ſurmiſe of the ſaid Audita querela was true, viz. that the ſaid compl. was then and at the knowledging of the ſaid ſtatute vnder the age of xxj yeares, which witneſſes were examined and depoſed accordingly in the behalfe of the ſaid compl. before the ſaid Defend. had any knowledge or vnderſtanding of the ſaid compl. proceeding therein, and before any writ or Scire facias was awarded or taken forth to warne the ſaid Def. of the ſaid ſuit, as by the ſaid depoſitions and proceedings therein remaining of Record in the ſaid court of Common pleas, whereunto the ſaid Def. for certainty of the times doth referre himſelfe, more certainly doth appeare, which ſaid ſuit of Audita Quærela for the auoiding of the ſaid Statute the ſaid complainant by his ſollitors and ſeruants did moſt earneſtly follow, vpon a bare pretence that the ſayd complainant wanted ſome few moneths of the age of one and twentie yeares, for maintenance of which ſaid Statute the ſaid Defendant was called in by proces, and did plead thereunto, after which plea pleaded, and after the ſaid Def. had bene drawne in great charges and expences for the defence of the ſaid ſtatute and cauſe, the ſaid Compl. and his councell, ſolicitors, attorney, or ſome of them, ſeeing no likelihood to preuaile in that courſe, did become nonſuit, and without any regard had of the penaltie thereof, did faile and neglect to pay to the ſaid defendant his ſaid principall debt of fiue hundred pounds at the dayes and times wherein the ſame was limitted and appointed to be payd by a writing of defeaſance made betweene the ſaid Complainant and Def. touching the penaltie of the ſaid Statute, the ſame dayes of payment, or ſome of them being now expired eighteene moneths paſt, and more, and yet the

whole

whole debt still vnpaid vnto the said Defendant, for paiment whereof, the said Def. hath and doth kepe the said statute and the first two bōds wherein the said compl. with his men are bound as his sureties as afforesaid, for paiment of part of the said principall debt, being this Def. owne proper goods as both by law and conscience the said Defendant thinketh he may lawfully doe. And yet neuertheless the said Defend. further saith, that if the said Compl. will forthwith pay vnto him the said defendant the sayd summe of 500 pounds, being his principall and iust debt, together with the charges he hath beene put vnto, and consideration after the vsuall rate of x li. for the hundreth, like as the Def. himselfe doth pay to others for the long time the said def. hath forborne his said debt, he the said Def. will forgoe the penaltie of the said statute, and will deliuer the same statute and the said bonds to the said Complainant: without that, that the said defendant did sell vnto the sayde complainant any peece or peeces of veluet or silke at the seuerall times in the bill mentioned, or any other time, or any other things at any excessiue or vnreasonable price the dayes of payment considered. Or that the said Complainant did ouer and besides the excessiue price of any such thing allow and pay to the said defendant any further consideration or vsurie for the forbearing thereof till the time of payment, otherwise than is before truly laid downe in this answer. Or that the said Complainant, and that the said R. S. or any other, did enter into any more bonds for any the summes in the said Bill mentioned to the said Def. than such as before are confessed to the knowledge of this def. And without that, that the said Compl. did at the entreatie of the sayde def. during his the said complainants minoritie enter into the said Statute in the Bill mentioned to the knowledge of this Def. but vpon the importunate request and intreatie of the said Plaintife to supplie his wants, as aforesaid. the said Def. was content to accept of his said statute, not being able to giue better assurance to the said Defend. required. Or that the said Def. did then or at any other time promise to the said Complainant, or his said Sureties in the Bill mentioned, any the Bonds by them or any of them entred into to the said Defendant, for or touching the said debt, as he now remembreth, or any part thereof, other than the said Obligations which the said Defendant did deliuer to the Plaintife to be cancelled, as aforesaid, or did promise to cancell or make void the same in manner and forme as in the said Bill of Compl. is surmised to the remembrance of this Defendant. And without that, that the said Complainant, or any other for him, did require the redeliuerie of the said bonds, as this Defendant remembreth, or that there is any cause or reason why the said complainãt should make any such request or the said Defendant to make any such promise vntill his sayde

debt

debt be paid. And without that, that the said compl. hath or doth seek to make any reasonable composition with the said def. for or touching the said debt, or any part thereof, but rather haue endeauored to defeat the said defendant of his said debt. And therefore he the said defendant hopeth that the said compl. shall not haue or receiue any fauour in this Court against the said def. seeing that the said def. desireth nothing else but his principal, with reasonable recompence for the great wrong and iniurie the said compl. hath done, both in putting him to great charges and expences, and by the long withholding and detaining of the sayde debt as aforesaid, without that, that the said defen. hath hitherto taken or receiued the penalties of the said Stat. or Bonds, or any of them, or that the said compl. is or hath shewed himselfe at any time readie to satisfie the said debt vnto the said def. or any part thereof, in maner and forme as in the said bill of compl. is alledged. And without that, that any other matter or thing, &c.

A Bill exhibited against a Nobleman, and against diuers tenants and farmers and officers of diuers maners, containing that the Nobleman for his debt due to the plaintif became bound in a statute of staple of £200 li. and for that the debt was not paid at the day it was due, the plaintif extendeth diuers maners and lands which the nobleman had, and was seised of at the time he knowledged the said Statute, and had sold the same before the time of the extent to diuers persons, and vpon a Liberate to the Sherife, had the same maners and lands deliuered vnto him to hold in extent till his debt were satisfied: Afterwards vpon the noblemans suit to the L. Chancellor, & vpon the L. Chancellors request to the plaintife, he was contented to forbeare the taking of the profits of the lands extended, and to referre the hearing and ending of the matter touching his debt, to two thereunto appointed by the L. Chancellor, who heard and ended the matter, which end afterwards the nobleman refused to accomplish, whereupon the plaintife went about to take the benefit of his extent, and to keepe Courts, and vnderstand what lands, and how the tenants held, and what rents and seruices they paid for the same, but could not perform his purpose therein, for the tenants and the nobleman had the Courtrols in their keeping, & the leases, rentals, &c. and would not let him see the same, and that the nobleman refused to suffer the plaintife to enter into the maners and lands extended, or to keepe any Courts, and would not suffer the Tenants to pay the plaintife any of the rents or seruices due for the same mannors, or to declare vnto him what the same rents and seruices were. And then the plaintife prayeth that the tenants, occupiers, and Farmors of the said mannors, may vpon their oathes bring forth their leases, & declare what lands they hold, & what rents and seruices euery of them pay. And that all the defendants may shew to the plaintife the Court-rols, rentals, book of survey, field booke, and terriers in their custodie, and so prayeth proces against all the defendants.

To the right honorable Sir C.H. of the most noble Order of the Garter Knight, Lord Chancellor of England.

Sect. 149. In most humble wise complaining, sheweth to your good Lordship, your daily Orator I.L. Citizen and Clothworker of London, That whereas the Ho. Ed. Lord M. Baron of R. the last day of December, in the 26 yeare of the raigne of our Soueraigne Lady Qu. Elizabeth, before Sir Christopher Wray Knight, Lord chiefe Iustice of the pleas before her Highnesse to be holden, did acknowledge himselfe to owe to your Orator the summe of MCC li. of lawfull English money by his Recognisance in the nature of an Estatute Staple, with a defeasance thereupon made for the true payment of diuers seuerall summes of money at sundrie seuerall dayes now long sithence past. And whereas likewise the said E. Lord M. was and stood iustly indebted to your said Orator in diuers other summes of money by other Bonds, as also by your Orators Booke, for diuers Wares taken vp of your Orator for the vse of the said Lord Mo. And whereas also Tho. M. Esquire, brother of the said Lord M. stood indebted, and did owe to your said orator other certaine summes of money, for the paiment whereof, the sayd L. M. did vndertake and did make to your said Orator many seuerall and sundrie promises, the which as yet he hath in no sort performed. And whereas the said L.M. at the time of the knowledging of the foresaid Statute Staple, was lawfully seised in his demesne as of fee, of and in the Manors of M. W. A. & B. with two faires twice in the yeare, with one Market holden euery weeke at M. aforesaid, with the Hundered of F. with euery of their appurtenances, scituate, lying, and beeing in the County of Norfolk, & of & in the manor of M. with their appurtnances in the said County of Norff. which said mannors and other ỳ premisses aforesaid, the said Lord Mo. by lawfull assurance and conueyance in the Law, did bargaine, sell, conney, and assure the same, with all and euerie their appurtenances whatsoeuer, to one Tho. Lord of M. in the sayde Countie of Norffolke Esquire, and to his heires for euer, by vertue of which conueyance and assurance the said T.L. was and is yet seised of the said seuerall mannors, and other the foresaid premisses, in his demesne, as of fee. And whereas the said Ed. L. Mo. was likewise seised in his demesne as of fee at the time of the knowledging of the sayd Statute Staple of & in the Manors of S. M. and W. with the aduowsons of Sw. Mo. and Wo. with their appurtenances in the countie of Norf. aforesaid, which said seuerall Mannors, & the aduowsons aforesaid the said Lord Mo. by like conueyance and assurance did conney & assure the same to one Ed. B. late of D. in the said Countie of Norffolke Esquire deceased, and to his heires for euer, to the only vse and behoof of the said Ed. B. his heirs, and assignes for euer, by whose death T. B. sonne and heire

heire of the said E.B. Esquire deceased, was and yet is seised of the said Manors of S. Wo. & Wo. and of the aduowsons of S. Wo. and Wo. in his demesne as of fee. And whereas the said Lord Wo. was at the time of the knowledging of the saide Statute Staple likewise seised in his demesne as of fee, of, and in the manno2 of B. with the appurtenances scituate & extended into the Townes of N. W. &c. in the foresaid countie of Norffolke, which said Manno2 the said E. Lord W. did likewise conney vnto L.G. gentleman, and to his heires for euer, to the onely vse and behoofe of the said L.G. his heires and assignes for euer. And whereas the saide E. Lord W. was at the time of the said Statute knowledged, and yet is seised of and in the Manno2 of A. with the appurtenances in the said countie of Norffolke in his demesne as of fee, and being indebted to your said Orator as aforesaid, your orator made sundrie and diuers earnest requests for the getting of the said debt and summes of money aforesaid, and your Orator being by the said Lord W. promised to haue the said debts at diuers seuerall dayes, yet none of them were performed or kept, whereby your orator seeing no performance, but was delayed from time to time, your said Orator about two yeares since sued forth his seuerall writs of Extendi facias directed to the Sheriffes of Norffolke, Essex, Hertford, Sommerset Shire, and Yorke, and to the Chancellour of the Countie Palantine of Lancaster, for the extending of all the mannors, Lands, Tenements, and Hereditaments, within the Counties aforesaid, whereof the said L. W. was seised the time of the said Statute knowledged, which Writ directed to the Sheriffe of the said County of Norffolke, was deliuered to one Clement Paston Esquire, then Sheriffe of the same Countie, to be by him executed and returned accordingly. By vertue whereof the said Clement Paston Esquire did by the oathes of Iuris swoorn & charged within the said County of Norffolke, according to the due course of her Ma. Lawes, extend and appraise the said seuerall Mannors, Fayres, Markets, Lands, Tenements, and all other the premisses with the appurtenances lying within the said Countie of Norffolke, as in and by the said extents remaining of Record in this H. Court of Chancerie, and by the returne of the said Sheriffe, with the seisure of the said seuerall Manors into the M. Maiesties hands, to the intent they might be deliuered to your Orator inextent, more at large it doth and may appeare. After which inquisition, extent, and seisure so taken, had, and made, your orator sued forth her Highnesse Writ of Liberate, bearing Teste the 11th day of Februarie, in the xxx yere of her Highnesse raigne, directed to the said Sheriffe of Norffolke, commanding him thereby to deliuer the said seuerall Mannors extended as aforesaid vnto your Orator to hold them inextent, vntill your Orator were of the said summe

summe of ℔CC.li. with his costs and expences herein sustained, fully satisfied and payd. By vertue of which said writt, the said Clement Paston then Sheriffe did deliuer in extent to your said Orator the xij. day of March then next following the seuerall Manors of H. W. A. and B. with the two Faires holden twice by the yeare, and the Market of H. there holden euerie weeke, with the Hundred of F. with their appurtenances. And the said Manor of H. with the appurtenances. And also the said Manor of S. Mo. and Wo. with the aduowsons and patronage of the W. P. and W. with their appurtenances, together with the Manor of B. with the appurtenances, and the fore said manor of A. with the appurtenances, to hold to your said Orator and his assignes according to the said extent, vntill the said debt of ℔CC.li. together with your orators costs and damages, were taken and leuied of the premisses. By vertue whereof your said orator was of the premisses possessed, and so being possessed, the said Lord Mo. before that your said orator had or could receiue any profit of the premisses, or of any part or parcell thereof, by meanes or reason of the said execution thereupon made and deliuered to your said Orator, did make humble suit to your H. Lordship that it would please the same to moue your said Orator to forbeare the taking of the issues, rents, and profits of the said seuerall Manors and other the premisses, and from the molesting of the Farmors, Tenants, and occuppyers thereof for the same, vntill your H. Lordship, or some others to be by your L. appointed, had heard & determined the cause and reckoning between the said Lord M. and your said Orator, whereupon your said Orator was content at the motion & request of your H. Lordship, to permit the tenants of the premisses to continue in their possession quiet, & to forbeare the taking of the rents and profits thereof, and to refer the hearing & ending of all reckonings and demands betweene your said Orator and the said Lord M. to the order and determination of M. Doctor D. one of the Masters of this most H. Court of Chancerie, and to M. B. gentleman one of your H. Secretaries, being thereunto assigned and appointed by your L. in fauour of the said Lord M. who entred into examination of the premisses in controuersie betweene the said Lord M. and your said orator, and by their mediations and at their requests your said Orator was content to forgoe neere the summe of C.li. of his iust demand, so that the said Lord M. would content and pay the residue to your said Orator in such sort and at such times as the said Master D. and Master B. did conclude and set downe: But the said Lord Mo. meaning and intending still to delay your said Orator, and to keepe him both without his money and the profites of the said Manors and other the premisses with the appurtenances, which were deliuered vnto your said Orator in

execution

execution towards the satisfaction of his debt, costs, and damages, did not onely neglect to performe the said agreement and order taken by the said master S. and master B. but hath and doth vtterly refuse and denie to performe the same, by reason whereof your said Orator for the leuying of his debt, costs, and damages, did purpose and intend to take his benefit of the said execution, and for that end your said Orator about the feast day of S. Michael the Archangell last past, trauelled into the said counties of Norfolke where the said manors and premisses doe lie, and there did offer to keepe Courts, and did likewise require the tenants, occupiers, and farmers of the said manors and premisses to render and pay to your said Orator the rents, issues, and profits then due for the said premisses to your said Orator, and therewithall your said Orator did require the said tenants and occupiers of the said Manors and premisses to discouer and make knowne to him how, and in what sort and by what title they and euery of them did hold, claime, and enioy the seuerall parcell of the said premisses which they the said farmers and occupiers did seuerally occupie, possesse, and enioy, to the end that your said Orator might hereafter be ascertained and instructed how to demand, recouer, and come by the rents reserued vpon their seuerall estates and interests which hee rightfully belonging and appertaining to your said Orator by reason of the said extent, but so it is, if it may please your Ho. Lordshippe, that the said L. Ho. L. L. Tho. B. Theodore Godwin, Henrie Blage Steward, Thomas Lowell, Thomas Moze, Henrie Hinde, Richard Vandsord, Edmond Coles, Thomas Baylie, William Drake, George Thurstone, Ray Stone, being all owners, Farmours, Tenants, Occupiers, and Officers of the said Manors and Premisses, in whose hands and keeping all the Court Rolles, Rentalls, Leases, and Counterparts thereof which touch or concerne the said manors and premisses, or any part or parcell thereof be and remaine, haue confederated together both to defeat your Orator of his lawfull execution and estate in the premisses, and also to withdraw and vtterly to take away from your said Orator the rents, issues, and profits thereof, and therefore and for that end, the said Lord Ho. &c. did not onely denie and refuse to permit and suffer your said Orator or any other persons for his vse to enter into the said Manors and premisses, or to keepe any courts in any part the same, but also did and doe denie and refuse to pay to your said Orator any free or farme rents for the said manors or premisses, or to shew to your said Orator how or by what leases or other titles they or any of them doe possesse or enioy the premisses, or any part or parcell thereof, or what rents or services ought to be paid for the same, by reason hereof your said Orator is like to be kept from the benefit of his said execu-

tion, againſt all right, equitie, and conſcience, vnleſſe your Ho. accuſtomed helpe be vnto him in this behalfe extended. In tender conſideration whereof, and for that the ſaid Lo. Ho. &c. being owners and occupiers of the manors and premiſſes aforeſaid, and doe conceale and keepe from the knowledge of your ſaid Orator, as well the yearely rents, ſeruices, and farmes, as alſo the right of their ſeuerall Inuentures of Leaſe, as alſo the Court Rolls, whereby your Orator is without remedie either to recouer any yearely farme, or other the rents and ſeruices of the Freehold or Copyhold lands pertaining to the ſaid manors, and for that your Orator hath not the Counterpaines of your ſaid Indentures of leaſe, neither knoweth the dates of them, nor the certaintie of your farmers reſerued, or of the Rents and ſeruices due and payable for the ſaid Lands, hauing not the Court rolls to ſhew forth, ſo as your Orator cannot by the courſe of the common lawes of this Realme make any ſuit nor way to recouer the yearely farmes, nor yet for the rents and ſeruices due vpon and for the aforeſaid freehold or copyhold lands holden of the ſaid ſeuerall manors as aboue, nor yet for any other dutie or ſeruice due for the ſame, nor can ſhew forth the certaintie of the lands that the ſaid tenants do ſeuerally hold. May it therefore pleaſe your Ho. Lordſhip, that ſome good Order may be by your good L. ſet down, whereby the foreſaid ſeuerall farmers, tenants, & occupiers of the ſaid ſeuerall Manors, and all the other parties before mentioned, may be inforced to ſet down vpon their oathes, as alſo bring forth their ſeuerall Indentures of leaſes, whereby your Orator may know the ſeuerall dates of them, as alſo what lands they hold by the ſame, and by what yeerely rents & farmes. And that the tenants of the ſaid ſeuerall manors may likewiſe be inforced vpon their oathes to ſet downe what lands they hold of the ſayd ſeuerall manors either freely, or by copy of court-roll, & by what rents, fines, duties, & ſeruices. As alſo the foreſaid Ed. Lord Ho. &c. hauing the cuſtody of any the rentals, court rols, bookes of ſuruey, field bookes, or terters concerning the foreſaid ſeuerall manors, or of any of them, may likewiſe be inforced to ſhew them forth to your Orator, to the intent your Orator may vnderſtand what lands, tenements, or hereditaments are holden of the ſaid ſeuerall manors, or of any of them, and by what rents, duties, or ſeruices, the ſaid lands, tenements, or hereditaments are holden by, whereby your Orator may according to equitie and good conſcience, reape, receiue, recouer, haue, & take the yearely reuenues, iſſues, and profits of the foreſaid ſeuerall manors, & euerie of them, as in law & right belongeth vnto him, and as he ought to doe, vntill your ſaid Orator be ſatisfied of the ſumme contained in his foreſaid Statute Staple knowledged vnto him, as aforeſaid, with his reaſonable coſts and damages herein ſuſtained: And to the end that all theſe points may be per-

formed

formed accordingly. May it further please your good L. to grant to your said orator the Qu. maiesties most gracious Writt of Subpœna, to be directed to the foresaid E. Lord M. Marquesse W. &c. commanding them and euery of them thereby at a certaine day, and vnder a certaine paine personally to appeare before your good L. in the said he. Court of Chancerie then and there to answere to the premisses, and to abide such further order and direction herein, as to your L. shall seeme good in stand with right, equitie, and good conscience. And your said orator shall according to his most bounden dutie euer pray for the increase and continuance of your good L. in health and all honor long to endure.

The ioint and seuerall answere of T. M. H. B. &c. Defendants to the Bill of Complaint of I. L. Complainant.

THe said Defendants and euerie of them sauing to them and euerie of them the aduantage of exception to the incertaintie and insufficiencie of the said Bill of Complaint, say, And first the said T. More for himselfe saith, That he the said T. More doth and hath by the space of two yeares last past or thereabouts exercised the office of Bailife of the manors of H. A. and B. in the said Bill mentioned, whereof this defendant supposeth E. Lo. Esquire to be seised of some estate of inheritance, and hath in his hands some rentals of the said manors, which this def. thinketh he ought not to impart to the said complainant, neither ought the said complainant to haue the issues, rents, and profits of the said manors as this def. thinketh, for that as this def. hath credibly heard and verily beleeueth it to be true, the said E. Lord M. in the said Bill mentioned, the day of the date of the said recognisance in the saide Bil mentioned, or at any time since was neuer seised in his demesne as of fee simple, fee taile, or free hold, of, and in the said manors of H. A. and B. or any part or parcell thereof, as in the said Bill is vntruely alledged. But one T. H. was then seised thereof, who since hath conueyed the same to the said T. L. as this def. hath heard. By reason whereof the said Th. L. ought in this def. opinion to haue the rents, issues & profits thereof, notwithstanding the said execution, without that this def. is farmour, customarie, or free tenant of any part or parcell of the said manors or other the premisses in the said Bill mentioned, other than of parcell of the demesnes of the said manor of H. which this def. holdeth by lease for certaine yeares yet to come, rendring yearely x. li. and of the Faires of H. and the profits thereof, which he holdeth for diuers yeares yet to come, rendring yearely xvj. s. viij. d. and of the vj. part of the Warren of H. which he holdeth for diuers yeares yet enduring rendring xij. s. by yeare, or thereabouts. And of diuers freeholds holden

Sect. 150.

[illegible] Court rols, rentals, or leases [illegible] other than in this [illegible] is mentioned, as in the said Bill is untruely alleaged. And [illegible] that this defendant hath unlawfully confederated with any the persons in the said Bill mentioned, to defeate the sayde complainant of his lawfull execution and estate in the premisses in the said Bill mentioned, as in the said Bill of complaint is also untruely alleaged. And the said defendant further saith, that he hath exercised the office of Bailliff of the said Mannor of W. & B. in the said Bill mentioned, and of the Mannor of D. in the said Bill likewise mentioned, lawfully constituted thereunto as this defendant thinketh by the said L. Lo. being seised of some estate of inheritance of the said Mannors, as this defendant supposeth: and that the Court rols and euidences concerning the said Mannors are kept in the house of the saide W. [illegible] in the Countie of Hertforde, and are not at this defendants [illegible] to be seene or imparted to the said complainant otherwise then as the L. shall appoint, whereof this defendant humbly prayeth he may haue due Court to haue consideration: without that, that this defendant is farmer, or customarie, or free tenant of any part or parcell of the said Mannors or other the premisses in the saide Bill mentioned, nor hath in his hands any Court rols, rentals, or leases, concerning the premisses in the said Bill mentioned other than as in his answere before is mentioned, as in the said Bill of Complaint is untruely surmised. And without that, that this defendant hath unlawfully confederated with any person or persons in the said Bill mentioned, to defeate the said complainant of his lawfull execution and estate in the premisses in the said Bill mentioned, as in the said Bill of Complaint is alsoe untruely alleaged. And the said Thomas Aylworth for himselfe saith, that he hath and doth exercise the office of Bailliffe of the Mannor of [illegible] in the saide Bill mentioned vnder and by the appointment of W. B. Esquire in the said Bill mentioned, whom this defendant supposeth to be seised thereof of some estates of inheritance, and hath in his custody certaine rentals of the same Mannor, which rentals this defendant thinketh he ought in duetie to keepe and vse to the benefit and seruice of the said Thomas B. and to employ the same according to his direction, and not otherwise. And further this defendant saith, that this defendant is farmer of parcell of the demeines of the Mannor of [illegible] aforesaid, which he holdeth for diuers yeares yet to come yeelding and paying therefor yearely xiiij. li. xiij. s. iiij. d. of lawfull money of England: and also holdeth by copie of Court roll at the will of the Lord of the said Mannor of Swanton Morley, according vnto the

the tuition of the said Manor, diuers lands and tenements within the precincts of the said Manor, and yeelding yearely for the same viz. no thereabouts, which rents this defendant thinketh are not payable to the plaintife, for that the rents reserued vpon Leases made of any parcell of the extended premisses before the knowledging of the sayd Statute, are not properly extended nor deliuered to the said complainant in execution. But the said complainant hauing extended and executed the premisses into execution as demsan in possession, is to stay and expect, till he may haue and enoy the same according to his extent, and to the deliuerie thereof made vnto him. And further this defendant saith, That the said Manor of Swanton Morley is, and at the time of the awarding of execution, was, as this defendant thinketh, the inheritance of the said Thomas B. which he then had by purchase from the sayde Lord H. since the knowledging of the sayd Recognisance. And in as much as the said Lord H. at the time of the knowledging of the sayde Recognisance, had and was seised in Fee simple, Fee taile, or for term of life, as this defendant is credibly informed, and partly appeareth by the Schedule of the Liuerie of the said Lord H. of and in the Manors of H. in the Countie of Eller, of the yearely value of C li. or thereabouts, and of and in the Manors of F. and Lodenhobery in the Countie of Hertford, of the yearely value of vi li. or thereabouts, and of a certaine yearely rent of xxx li. or thereabouts, going out of the Manor of Hobington in the Countie of Buckingham, and of diuers other Mannors, Lands, Tenements, and Hereditaments, in diuers other Counties of England, which ought to be contributarie to the payment of the sayde MCC li. and therefore the same is vnduely, and contrary to Law charged vpon the said Mannour of Swanton cum Morthing, which the said Thomas B. holdeth as a Feoffee, for which cause the said T. B. as this defendant suppoſeth, hath pursued his Scire facias against the said Complainant in this honorable Court for the discharge of the said Manor of Swanton cum Morthing from the said due execution, and from the recouerie of the issues and profits comming and growing of the same manor from the time of the said execution. For which cause this defendant humbly prayeth this Honourable Court that the said Complainant may bee referred to the Common Law, to bring his Action against this Defendant for therecouerie of the sayde rents due vpon such Leases and Copiholds as this Defendant holdeth of the said Manor of Swanton cum Morthing, wherein the validitie of the sayd Extent may bee tryed, so as this Defendant may know to whom he may pay his said rents, without danger or further trouble. And this defendant is readie to stand to such order as this honourable Court shal award concerning the shewing vnto to the said complainant

of

of his estate and terme which hee hath of and in any part of the saide manno2s of Swanton cum Worthing o2 holdeth of the same and other circumstances thereof, without that, that this Defendant is farmo2 of customarie o2 free tenant of any other part o2 parcell of the said manno2s, o2 other the p2emisses in the said Bill mentioned, o2 hath in his hands any Court rols, rentals, o2 leases concerning the p2emisses in the said Bill mentioned, other than as in this answer before is mentioned as in the said Bill of Complaint is untruely alledged. And without that, that this defendant hath unlawfully confederated with any the persons in the sayd bill mentioned, to defeat the saide Complainant of his lawfull execution and estate in the p2emisses in the said Bill mentioned, as in the said bill is falsely surmised. And the saide Henry S. John fo2 himselfe saith, that hee hath and doth exercise the office of Baillie of the manno2s of Yockering &c. in the said bill mentioned, whereof this Defendant supposeth Th. Lo. Esquire to be seised of some estate of inheritance, and hath in his hands certaine rentals of the said manno2s, which rentals this defendant thinketh hee ought in dutie to keepe and vse to the benefit and seruice of the said M. Lovell, and to imploy the same accoording to his direction, and not otherwise. And further this defendant saith, that he this defendant is farmer of certaine demesnes of the said manno2 of Yockering whereof he holdeth some part fo2 yeares, and some fo2 life by lease made by the said Lo2d Mo. whose estate the said M. Lo. now hath of and in the same, yeelding and paying thereof yearly rrr.li. o2 thereabouts, which rent this defendant thinketh is not payable to the said complainant, fo2 that the rents reserued vpon leases made of any parcell of the extended p2emisses before the knowledging of the said Statute are not exp2esly extended no2 deliuered to the said complainant in execution. But the saide complainant hauing extended and receiued the p2emisses into execution as demesne in possession, is to stay & expect till he may haue & enioy the same accoording to his extent, and the liuerie thereof made vnto him. And further this def. saith, that the said Manno2s of Yockering and Northdenham are and at the time of the awarding of the said execution were as the def. thinketh the inheritance of L. L. which he then had by purchase from the said L. Mo. since the knowledging of the saide recognisance. And in somuch as the said L. M. at the time of the said recognisance had & was seised in fee simple, fee taile, o2 fo2 terme of life, as this def. is credibly info2med, & partly appeareth by the Schedule of the liuerie of the said L. M. of & in the manno2s of Yalingburie Mo2ley, and Salcot Verley in the Countie of Essex of the yearely value of C.li. o2 thereabouts, and of & in the manno2s of Furner & Lodenhebery in the county of Hertfo2d of ỳ yerely value of rl.li. o2 therabouts, & a certain

yearely

yerely rent of 30 li. or thereabouts, going out of the manor of Hobing-
ton in the Countie of Buckingham, and diuers other mannors, lands,
tenements, and hereditaments in diuers other Counties of England,
which ought to be contributories to the paiment of the said 1200 li. and
therefore the same is vnduly, and contrarie to Law charged vpon the
said Mannors of Yockering and Northfuddenham, which the sayde
Master Le. holdeth as a Feoffee, for which reason the said Ma. Lo. as
this defendant supposeth, hath pursued his Scire facias against the said
complainant in this honorable Court for the discharge of the sayd ma-
nors of Yo. and N. from the said vndue execution, and for the reco-
uerie of the said issues and profits, comming and growing of the same
manors from the time of the said execution, for which cause this defen-
dant humbly prayeth this honorable Court, that the said complainant
may be referred to the Common Law to bring his action against this
defendant for the recouerie of the said Rents due vpon the said Leases
and estates which this defendant holdeth of the said mannors, where-
in the validitie of the said extent and execution may be tried, so as the
said defendant may know to whom to pay his said rent without dan-
ger or further trouble, and this defendant is readie to stand to such or-
der as this honorable Court shall award concerning the shewing to the
said Complainant of his estates and termes which hee hath of and in
the said parcell of the demeines of the said mannor of Yo. or holdeth of
the same and other circumstances thereof: without that, that this def.
is Farmer, Collomarie, or free tenant of any other part or parcell of the
said manors or other the premisses in the said bill mentioned, or hath
in his hand any Court-rols, Rentals, or Counterpaines of Leases con-
cerning the premisses in the said Bill mentioned, other than in his an-
swer before is declared, as in the said Bill of complaint is vntruly al-
leaged. And without that, that the said Defendant hath vnlawfully
confederated with any the persons in the said Bill mentioned, to de-
feat the said cõplainant of his lawfull execution and estate in the pre-
misses in the said bill mentioned, as in the said bill of complaint is vn-
truly alleaged. And without that, that any other matter or thing in
the said bill of complaint mentioned materiall or effectual to be answe-
red vnto, and not herein sufficiently answered, confessed, and anoyded,
trauersed, or denied, is to these def. or any of their knowledges true. All
which matters these defendants are ready to auer and prooue as this H.
court shal award, and pray to be dismissed out of the same with their re-
sonable costs and charges in this behalfe most wrongfully sustained.

A

A Bill into the Chancerie for detaining of euidences, entring into a Meadow and pasture, and making to themselues diuers estates.

To the reuerend Father in God Thomas Bishop of Ely, Lord Chancellor of England.

Sect. 151. In most humble wise sheweth and complaineth vnto your good Lo, your dayly Oratour G. A. that where W. A. father to your sayde Oratour was seised in his demesne as fee of and in fifteene Acres of Pasture and Meadow, with the appurtenances in Clare in the Counties of Suffolke, and so being thereof seised died by protestation seised. After whose death the said fifteene acres of pasture and meadow, and all other the premisses with the appurtenances, discended and came, and of right ought to discend and come vnto your said Orator, as sonne and heire vnto the said W. A. So it is it may please your good Lo. that certaine euidences, deeds, charters, and other muniments concerning the premisses, are come to the hands and possession of M. G. widdow, and A. G. who by colour of hauing the said euidences, haue entred into the premisses, and haue conueyed vnto them and their heires diuers and sundry estates in the Law to the disherison of your said Orator, and of his heires for euer: And because your said Orator knoweth not the certaintie of the said euidence, nor whether it be contained in bag or Boxe sealed, or in chest locked, he is without remedie for the recouerie of the same by the order of the common law, except your L. fauor be vnto him shewed in this behalfe: In consideration whereof it may please your good L. the premisses considered, to grant a writ of Subpœna to bee directed to the said M. G. widdow, and A. G. commanding them by the same personally to appeare before your good L. in the kings high Court of Chancerie at a certaine day, and vnder a certaine paine by your good Lo. to be limitted, there to answer vnto the premisses, and after to abide such order and order therein as to your good L. shall be thought to stand with right and conscience: And your said Orator shall daily pray for the preseruation of your L. honour long to indure.

The Answer of one of the Defendants to the Bill next before, wherein he sheweth that the plaintiffes Father sould the Lands in the Bill mentioned to T. H. who sold the same to the Defendants husband, who conueyed the same to the Defendant for her life. And sheweth, That at the time of the said purchase, and after, the Premisses were in diuers Feoffees in vse, and sheweth after-

next towarde the making of the Statute of 27. Henry 8. for transferring of uses into possession.

The Answere of M. G. Widdow, to the Bill of Complaint of G. I.

The said defendant sayth, that the said Bill of Complaint is untrue, uncertaine, and insufficient in the law to be answered vnto, and the matters therein contayned determinable at the Common Law, and not in this honourable Court, whereunto the said defendant prayeth to bee dismissed, and the advantage thereof to the said defendant alwayes saued, if shee shall be compelled to make any further answere vnto the said insufficient Bill. Neuertheless for the declaration of the truth, the said defendant sayth, That as touching Pasture or Pasture in Clare, the said defendant knoweth not that shee is tenant of, or hath any that was belonging to the said Wil. I. within the said Towne or Parish of Clare, or detaineth any euidence concerning the same to her knowledge: the said defendant sayth, the said Wil. I. mentioned in the said Bill of complaint, But together with I. W. alias Miller, I. F. &c. were seised of and in seuen acres of Pasture and moore, and three acres and one roode of Meadow in S. in their demesne as of fee to the vse of the said Wil. I. and of his heires, and so being thereof seised, the saide Wil. I. bargained and sold the Pasture, Moore, and Meadow last before remembred vnto one L. Y. and to his heires for euer. By vertue of which bargaine the said Wil. I. and his said other Cofeoffees were thereof seised in their demesnes as of fee, to the vse of the sayde L. Y. and of his heires, and after the said Wil. I. dyed: and after whose death the sayde I. W. &c. them held in by right of Survivorship, and were thereof seised in their demesne as of fee, to the said vse last remembred: and being so seised to the said vse, the said L. Y. bargained and sould the said Pasture, Moore, and Meadow, to one W. G. Gentleman, husband of the said defendant, and to his heires: By vertue whereof the sayde I. W. and others his said Cofeoffees, were seised of and in the same, to the vse of the said W. G. and of his heires: and after for the further assurance thereof to the said W. G. and his heires, the said I. W. and the other his Cofeoffees so beeing seised of and in all the premisses, did enfeoffe W. B. Esquire, G. F. Gentleman, &c. of and in the said Pasture, Moore, and Meadow: To haue & to hold the same to the sayde W. B. &c. and their heires and assignes, to the onely vse and behoofe of the saide W. G. and of his heires and assignes for euer: By vertue whereof the said W. B. &c. were thereof seised in their demesne as of fee, to the onely vse of the said W. G. and of his heires and assignes for euer.

Sect. 151.

euer, and so were thereof seised vntill the fourth day of Februarie, in the seuen and twentieth yeare of the raigne of our Soueraigne L. King Henrie the 8. At which day the said W. G. was seised, of, and in the premisses in his demeine as of fee, and by vertue thereof the said W. G. and his assignes haue euer since enioied the premisses peaceably and quietly without interruption, vntill now of late within these twelue moneths that the said compl. pretended title vnto the same. The estate of which W. G. of and in the premisses with their appurtenances the said defendant for terme of her life the reuersion ouer vnto A. G. gentleman by lawfull conueiance in the Law now hath: without that, that any thing materiall or trauersable, other than that in this present answere is confessed and auoided, is true. All which matters the saide defendant is ready to proue, as this honorable court shall award, and prayeth to be dismissed out of the same, with her reasonable costs for her wrongfull vexation sustained in this behalfe.

The Replication of the Complainant to the Answer of one of the Defendants (whose answere is not here) wherein he confesseth the sale of the said lands by his father, as before in the Answer of one other of the Defendants is alleaged, but saith it was made vpon condition of redemption, the which condition the Vendor performed &c.

The Replication of G.I. to the Answer of A.G.

Sect. 153.

THe said Complainant saith, that his said Bill is certaine and sufficient in the Law to bee answered vnto, and the matters therein contained are true, and not fayned of malice by the said Complainant, to the onely intent and purpose to put the said defendant to trouble, cost, and vexation, in maner and forme as in the said answer is vntruely alleadged. And for his replication vnto the said answer the said Complainant saith as he in his said Bill hath said, that the saide W. I. father to the said Complainant was seised of the premisses in his demeine as of fee, in vie or in possession. And the said W. I. so being thereof seised by his deed indented bearing date the 11. day of November, in the 17. yeare of the late King Henry the eight, bargained and sold the premisses vnto the said T. Y. his heires and assignes for euer, for the summe of fortie markes, whereof the said T. Y. payed vnto the sayde W. Y. twentie markes, and the other twentie markes to be payed vnto the said W. I. at the Feast of S. Nicholas, which was in the yere of our

our Lord God 1534. Neuertheleſſe the ſaid T. Y. couenanteth and graunteth by the ſaid Indenture, that if the ſaid W. I. his heires, Executors, or aſſignes, at the ſaid feaſt of Saint Nicholas, or in the meane time before, did repay vnto the ſaid T. Y. his heires, Executours, and aſſignes, the ſaid twentie markes, that then the ſaid bargaine and ſale to be voide, & of none effect, as by the ſaid Indenture readie to be ſhewed more plainely doth and may appeare, by force whereof the ſaid W. I. and the other his coſeoffees, were ſeiſed of the premiſſes to the vſe of the ſaid T. Y. and of his heires. And after the ſaid W. I. according to the ſaid Indenture, and before the ſaid feaſt of Saint Nicholas, did well and truly content and pay vnto the ſaid T. Y. the ſaid ſumme of twenty markes, by force whereof the ſaid W. I. and the other his Coſeoffees were ſeiſed of the premiſſes in their demeſne as of fee to the vſe of the ſaid W. I. and of his heires: and the ſaid W. I. and the other his coſeoffees ſo being thereof ſeiſed, the ſaid W. I. died, after whoſe death the reſidue of the ſaid feoffees were ſeiſed of the premiſſes to the vſe of the ſaid complainant and of his heires, vntill the fourth day of Februarie, in the 27 yeare of the late King Henrie the eight, at which day the ſaid complainant was ſolely ſeiſed: And further auerreth all and euerie thing contained in his ſaid Bill to be true, in manner and forme as he in his ſaid bill hath alleaged, without that the ſaid W. I. bargained and ſould the premiſſes vnto the ſaid T. Y. and to his heires in ſuch manner and forme (without condition) as in the ſaid anſwere is vntruly alleaged: And without that, that the ſaid T. Y. did lawfully bargaine and ſell the premiſſes vnto the ſaid W. G. and to his heires: Or that the ſaid W. I. and his Coſeoffees were lawfully ſeiſed of the premiſſes to the vſe of the ſaid W. G. and of his heires: Or that the ſayd Feoffees did or might lawfully enfeoffe the ſaid W. B. and others named in the ſaid Anſwer to the vſe of the ſaid W. G. and of his heires. Or that the ſaid W. B. and the other his coſeoffees were lawfully ſeiſed of the premiſſes to the vſe of the ſaid W. G. and of his heires. Or that ỳ ſaid W. G. at the ſaid fourth day of Februarie, was lawfully and ſolely ſeiſed of the premiſſes in fee: Or did lawfully and peaceably enioy the premiſſes: Or that the ſaid M. G. mother of the ſaid defendant hath any lawfull eſtate from the ſaid W. in manner and forme as in the ſaid anſwer is vntruly alleaged: And without that, that any other thing materiall in the ſaid Anſwer, which by this replicat is not ſufficiently confeſſed & auoided or trauerſed is true: All which matters he is readie to auerre, &c.

A Bill into the Chauncerie for a Commission vpon the Statute of 13 El. ca. 7. entituled, An Act touching order for Bankrupts, and all the whole proceedings therein

To the right Honorable Sir Nicholas Bacon Knight, Lord Keeper of the great Seale of England.

Sect. 154. HVmbly complaining sheweth vnto your good L. your daily Orators T. B. of C. in the countie of D. Clothier, W. M. of L. Grocer, & G. Marchant, Subiects borne of this Realme of England as well for themselues as for others, & Subiects borne of the said realme, and Denizens, creditors of T. A. of L. Marchantaylor, also a subiect borne of ꝑ said realme. That whereas the said T. A. vsing and exercising the trade of Marchandise, and seeking his trade of liuing by buying and selling, vpon good and iust cause for wares and merchandise to him sold and deliuered, and also for ready monie to him lent, being indebted to your said Orators in seuerall summes of mony, amounting to the value of 300 li. And now of late, that is to say in this present moneth of November, in the 23 yere of the raigne of our soueraigne lady the Qu. Mat. about the second day of the said moneth of November, did begin to kéep his house, situate in the said Citie of London, and sithence hath departed from his said dwelling house, and absented himselfe, to the intent to defraud and hinder your said Orators and other his creditors of their iust debts and duties to them due and owing, and so is become a Bankrupt: by reason whereof, and for that the said Bankrupt, and others his Confederates haue deuised and contriued diuerse secret sleights and sinister practises for the conueying and stopping of the bodie of the said Bankrupt, and of all lands, goods, debts, and other things belonging to the said Bankrupt, in such wise, as your Orators are without helpe for recouering or obtaining of their said iust debts and duties, but onely by complaint to your Lordship, and thereupon to haue remedie according to the Statute touching orders for Bankerupts, in the Parliament begun and holden at Westminster the second day of Aprill, in the 13 yeare of the raigne of our said soueraigne Ladie the Queenes Maiestie made and prouided. In consideration thereof, may it please your good Lordshippe to grant the Qu. Maiesties most gratious Commission to be directed to such and so many wise and honest discreete persons as to your L. shall séeme good: Authorising them not onely concerning the said Bankrupts body, Lands, Frée hold, and Customarie goods, debts, and other things whatsoeuer, but also concerning

all

all other persons which by concealement, claime, or otherwise, do or shall offend touching the premisses, or any part thereof, contrary to the intent and true meaning of the said Statute, to doe and execute all and euery thing and things whatsoeuer, aswell towards and for satisfaction and payment of your said orators, as towards and for all other intents and purposes, according to the ordinance and prouision of the said statute: And your said orators shall dayly pray &c.

The Commission vpon the Statute of 13. *Elizabeth. Cap.* 7. *made against Bankerupts and granted to the Creditors vpon the Bill next before.*

ELizabeth by the grace of God Queene of England, France, & Ireland, defendor of the faith &c. To our trustie and welbeloued Sir Rowland Heyward Knight, John Langley Alderman of our Citie of London, Thomas Hatton, Thomas Aldersey, Thomas Egerton mercers, and William Wignall merchant Taylor of our said Citie of London, greeting. Whereas wee be enformed, that C.A. of London merchant tailor vsing and exercising the trade of merchandise by way of bargaining, and seeking his trade of liuing by buying and selling, and being a subiect borne of this our Realme of England, in this present moneth of November, in the fifteenth yeare of our raigne, viz. about the second day of the same moneth, did begin to keepe his house scituate in London aforesaid, and fithence hath departed from his sayd dwelling house, and absented himselfe, to the intent to defraud and hinder T.B. of C. in the Countie of Deuonshire Clothier, W. H. of London Grocer, H. G. Merchant, and others his creditors, beeing also Subiects borne of this our said Realme, of their iust debts and duties to the due and owing, and so is become a bankerupt, Wee minding them due execution of the Statute touching orders for Bankerupts in our Parliament holden at Westminster, in the thirteenth yeare of our Raigne, made and prouided, vpon trust of your wisedomes, diligence, and prudent circumspections, which we haue conceiued in you, doe by these presents name, assigne, appoint, constitute, and ordaine you our speciall Commissioners, giuing full power and authoritie vnto you, fiue or foure of you, whereof they the said Sir Rolw. H. I.L. or T. H. to be one, according to the said statute, not onely concerning the sayd Bankerupt, his bodie, lands, freehold, and customarie goodes, debts, and other things whatsoeuer, but also concerning all other persons, which by concealement, claime, or otherwise, doe or shall offend touching the premisses, or any part thereof, contrary to the intent and true meaning of the said Statute, to doe and execute according to the Sect. 155.

ſaid Statute all and euerie thing & things whatſoeuer as well for and towards ſatisfaction & paiment of the ſaid creditors, as towards & for all other intents and purpoſes, according to the ordinance & prouiſion of the ſaid Statute: Willing and commanding you, fiue or foure of you, whereof Sir Row. H. I.L. or T.H. to be one, to proceed to the execution & accompliſhment of this our Commiſſion, according to the true intent and meaning of the ſaid Statute with all diligence and effect, as our ſpeciall truſt is in you: Witneſſe our ſelues at Weſtminſter the fifth day of November, in the fifteenth yeare of our Raigne.

A precept from the ſaid Commiſſioners, to the Officers, to make Proclamation according to ſaid Statute againſt Bankerupts, that the ſaid Bankrupt before a day certaine come in and yeeld his bodie to the Commiſſioners or to one of them.

To the Bailifes and head officers of the Borough of Southwarke.

Sect. 156. WE the Commiſſioners hereafter named by vertue of the Mr. Highneſſe Commiſſion, to vs directed, require and charge you fiue ſundrie market dayes, next enſuing the receit hereof, to make fiue ſundrie Proclaimations in maner and forme hereunder ſpecified.

The Proclamation.

Sect. 156. THe Mr. highneſſe doth ſtrictly charge & command C.A. Merchant Taylor of the citie of London, that he at or before the day of next comming into Guildhall of London, or where you ſhall appoint, yeeld his bodie before Sir Row. Heyward knight, or before ſome one of the ſaid commiſſioners appointed by her highneſſe vnder her great ſeale of England, till the due execution of the Statute touching orders for Bankrupts lately made and prouided, vpon pain & peril of the penaltie of the law in that caſe limitted and appoited.

An Indenture vpon the ſaid Commiſſion and Statute of Bankerupts betwixt Commiſſioners of the one partie, & the Crediters of the other partie, wherby the Commiſſioners after view, ſearch & preſentment made, ſell certain of the goods of the debters vnto the crediters in part of ſatisfaction of their debts, with a Schedule annexed vnto the ſaid Indenture which is likewiſe indented, wherein are contained the particulars of the goods with their ſeuerall prices, as they are prized by the Commiſſioners, to the one of which Indentures is put to the hands and ſeales of the ſaid Commiſſioners, and to the other of the ſaid Indentures the hands of the Crediters.

This

THis Indentures made, &c. Betweene Sir R. H. Knight, A. B. C. D. E. F. of the one partie, and G. H. and I. K. Creditors of C. A. Citizen and Marchant Tailor of London on the other partie, witnesseth, That where our said Soueraigne Ladie the Queenes Maiestie that now is, by her Highnesse Letters of Commission, bearing date at Westminster the fifth day of November last past, before the date hereof, minding the due execution of the statute touching orders of Bankerupts in her Parliament holden at Westminster in the thirteenth yeare of her Highnesse said raigne made and prouided, reciting, That whereas her Maiestie was enformed, That C. A. of London Merchant Tailour, vsing and exercising the trade of Marchandise, by way of bargaining, and seeking his trade of liuing by buying and selling (and beeing a Subiect borne of this her Realme of England) in the said moneth of November, in the fifteenth yeare of her Maiesties Raigne, that is to say, about the second day of the sayd Moneth, did beginne to keepe his house, scituate in London aforesaid, and sithence hath departed from his said dwelling house, and absented himselfe, to the intent to defraud and hinder his Creditours, beeing also Subiects borne of this her said Realme of England, of their iust debts and duties to them due and owing, and so is become a Bankrupt, hath assigned, appointed, constituted, and ordained the said R. H. &c. her especiall Commissioners, giuing full power and authoritie vnto them, fiue, or foure of them, whereof the said Sir R. H. to be one, according to the said Statute, not onely concerning the said Bankerupt his bodie, lands, freehold, and customarie goods, debts, and all other things whatsoeuer, but also concerning all other persons which by concealement, claime, or otherwise, doe or shall offend touching the premisses, or any part thereof, contrarie to the intent and true meaning of the said Statute, to doe and execute according to the said Statute, all and euerie thing and things whatsoeuer, as well towards and for satisfaction and payment of the sayd Creditors, as towards and for all other intents and purposes, according to the order and prouision of the sayde Statute in that case prouided, as by the same Commission more plainely it doth and may appeare: By force and vertue of which said Statute, and of the said Commission, the said Commissioners haue caused certaine goods, chattells, wares, and Marchandises of the sayd C. A. contained and mentioned in a Schedule indented to these presents annexed, to bee searched, viewed, and apprised: And also haue sould and deliuered, and by these Presents doe sell and deliuer vnto the Creditors aforenamed, all the sayd goods, Chattels, Wares, and Marchandises, contained and mentioned in the sayde Schedule indented, to these Presents annexed. To haue and

Sect. 158.

to hold the same, and euerie part thereof to the said creditors before named, their executors, administrators, and assignes, to their own proper vses for euer toward the satisfaction and paiment of the said creditors, viz. to euery of the forenamed creditors a portion, rate, and ratelike, according to the quantitie of the debts. In witnesse whereof the said parties to these Indentures interchangeably haue set to their Seales. Giuen the day and yeare first aboue written.

The intituling of the Schedule mentioned in the Indenture next before written and annexed to the same Indenture.

Sect. 159. IN this Schedule indented is contained and mention certaine goods, wares, cattels, and merchandise late of C. A. Merchant tailor, which be sold by the Indentures, whereunto the Schedule indented is annexed, viz. in his house in L. in the Parish of G. in London, *Imprimis, &c.*

A Bill into the Chancerie against one, by a prisoner in the Fleet to compel the defendant to proceed in an agreement made betwixt the plaintif and the defendant for his enlargement, by the order of the L. Chancellor then dead.

To the right reuerend Father in God, Nicholas Archbishop of Yorke, and Lord Chancellor of England.

Sect. 160. MOst humbly complaining, sheweth vnto your Grace, your dayly and poore Orator W. M. of M. in the Countie of Chester Gentleman, now being prisoner in the Fleete, at the suit of R. D. of the same Countie Esquire, committed thereunto by the late reuerend Father in God the Bishop of Ely, being then Lord Chancellour of England, of, and vpon a Statute of 200 li. which suit of the said R. D. hath thus remained the space of eight or nine yeares, to the great miserie and vtter vndoing of your Graces said Orator. And where diuers agreements, with other diuers meanes haue beene taken and made betweene the said R. D. and your said Orator, and especially the last day of May, in the last yeare of our said Soueraine Lord King Edward, before Doctor Lyell, and Walter Dyer, appointed then by the said late Lord Chancellor, where it was agreed betweene the sayd R. D. and your Graces said Orator, that your said Orator should be bound in a thousand pounds, that hee should not alienate nor sell any parcell of his lands, now beeing in his possession, or to him in reuersion: And all such lands that were sold by your said Orator, that your said Orator should endeauor with all dilligence to reconer the same againe: And further more it was agreed and ordred betweene the sayde R. D. and your said Orator, that your said orator should put in sureties

to

to pay vnto the said R.D. 50 li. of lawfull money of England, that is to say, 5 li. yearely during ten yeares next insuing: All which orders and agréements your Graces said Orator is contented to accomplish and fulfill: Yet notwithstanding the said R. D. minding rather the continuance of your said Graces orator in prison to his vndoing, will neither obey the late L. Lord Chancellors order then made therein, nor yet the agréements heretofore made, but onely doth find delaies to prolong the time, to the vtter vndoing of your Graces orator. In consideration whereof the premisses tenderly considered, it may please your Grace to command the said R. D. to appeare before your grace, and to take such order with him as shall séeme best to your grace. And your said Orator shall pray for your grace long to continue.

A Bill into the Chancerie by the husband and wife, for and on the behalfe of diuers, to compell executors to pay legacies, wherein is shewed, that they to whom the legacies be giuen haue no remedie by the Ecclesiasticall Law to compell the then executors to pay the said legacies.

To the right Honourable Sir Nicholas Bacon Knight, Lord Keeper of the great Seale of England.

IN most humble wise complaining sheweth vnto your Honours good Lordshipps, your dayly orators A.T. Esquire, and Katherine his wife, late wife vnto R.K. deceased, and one of the daughters of William W. of B. in the Countie of Warwicke Esquire deceased, for and in the behalfe of William C. sonne of the said Katherine, and for and in the behalfe of Marie T. and K.T. daughters of the sayd A. and Katherine, and of W.G. sonne of Edward G. Knight, of the bodie of Margaret G. one other of the daughters of the forenamed W. W. lawfully begotten, Edward P. and Anne his wife, one of the daughters of the forenamed Edward G. and Margaret, and Thomas P. and Elizabeth his wife, one other of the daughters of the sayde Sir Ed. and Margaret. That whereas the foresaid William W. in his life time had issue seuen daughters, that is to say, Margerie late wife of Tho P. Esquire, and after that wife to the Ho. Sir C.A. Knight, one of the Quéenes most honourable priuie Councell, and now Chancellor of her Highnesse Duchie of Lancaster, Godith wife to B. F. Esquire, Elizabeth, late wife of Edward B. Esquire deceased, Marie wife of William S. Esquire, Margaret wife of the sayde Sir Edward G. Anne, wife of Frauncis Po. Esquire, and Katherine, one of your said Orators. And whereas also the said W. W. in his life time was possessed of and in diuers goods and chattels, houshold stuffe, Sect. 163.

plate, iewels, and also entituled to certaine debts amounting to the value of 10000.li. or thereabouts, and so being thereof possessed & entituled, did constitute and make his Testament and last Will, and by the same did bequeath, giue, and deuise to diuers and sundry persons diuers great legacies particularly and certainly set forth in the said last Will, amounting in the whole to the sum & value of 3500.li. or thereabouts, And the residue of all his goods, chattels, & debts due vnto him after his funerall expences performed, his debts payd, and all his legacies & bequests particularly contained and mentioned in his said Will, fulfilled, performed and payd, he the said W. W. by his said Testament & last Will did giue & bequeath to the preferment of all the children comming of his said sir eldest daughters, and to W. L. Mary L. & Katherine L. three of the children of the said Katherine, now wife of the said Anthonie L. yongest daughter of the said W. W. to bee equally deuided amongst them by discretion of his executors: And by the same his Testament and last Will he did ordaine, nominate, and make the said honourable Sir A. C. knight, now deceased, Basil F. & W. S. Esquires, and one W. B. Esquire deceased, his executors, as by the same his testament and last will more at large it doth and may appeare: And afterwards, in the moneth of May, in the second and third yeares of K. Philip and the late Qu. Mary, he the said W. W. died possessed of the said goods, chattels, and debts, amounting to about the sum or value of 10000.li. After whose decease, the said executors did take, administer, and agree to the said Testament, which speciall legacies aforesaid, either be or might haue bin by the said executors long sithence fulfilled, satisfied, and paid, so as the residue should and ought to come to the said children, according to the said will. And although your Orators haue diuers and sundrie times required the said executors to make paiment of so much of the residue of the said goods, chattels, & debts, as to them appertained, yet that to doe, they and euery of them haue hitherto refused & denied, contrarie to right, equitie, and good conscience. In consideration whereof, and forasmuch as your said Orators cannot certainly tell and declare the seuerall parcels of the said goods, chattels, & debts, nor what the said executors haue payde or receiued for any manner of debts owing by or to the said W. W. by reason whereof, they are vnable to prosecute for their remedie in the premisses at and by the order of the Ecclesiasticall lawes of this Realme. May it therefore please your good L. to grant the Qu. Maiesties writ of Subpœna, to bee directed to the said executors, &c. commanding &c.

A

A Bill containing that a leaſe of a Rectorie, and the buildings, glebe lands, and Tythes was made by the Dean and Chapter of a Colledge in Oxford, to the plaintifes father for terme of yeares, reſerving a rent: And that the ſame by force of the ſaid Leaſe was long poſſeſſed. That the ſaid leaſe came to the plaintife by meane conueyance, and that continuing the terme, the defendant ſuggeſting to the ſaid Deane and Chapter, That the ſaid Rectorie and Tithes were occupied by the plaintife without leaſe or title, hauing a purpoſe to conceale and defraud the ſaid Colledge of the ſaid Rectorie and Tithes, became a ſuiter to the new Deane and Chapter to haue a leaſe of the ſaid Rectorie and Tithes for 21 yeres, and thereupon obtained a leaſe thereof for 21 yeres, yeelding for it the accuſtomed rent, with an augmentation of rent corne. That the defendant hauing obtained a leaſe of the ſaid Rectorie and tithes for 21 yers, ſued the plaintif for the ſame in the Exchequer at Weſt. in a Quo minus, *and that he did interrupt the plaintifes poſſeſſion: And then the plaintife prayeth an Iniunction for ſtay of the ſaid ſuit, and for the eſtabliſhing of his poſſeſſion and proceſſe againſt the defendant, and the Deane and Chapter to anſwer the bill.*

To the right Honourable Sir Ioh. Puckering Knight, Lord Keeper of the great Seale of England.

Sect. 162.

IN moſt humble wiſe complaining ſheweth vnto your good Lordſhip your daily Orator T. B. of N. in the Countie of C. Eſquire, That whereas the Dean and Chapter of Chriſts Church in the Vniuerſitie of Oxford, were ſeiſed in their demeſne as of fée, in the right of their ſaid Church, of and in the Rectorie and Parſonage of R. with the appurtenances in the ſaid countie of C. beeing a Parſonage impropriate, and beeing ſo thereof ſeiſed by their Deede indented, ſealed with their common Seale (the certaine date whereof to your ſaid Orator is vnknowne for want of hauing the ſame) did for the conſiderations in the ſaid Indenture ſpecified, demiſe, grant, and to farme let all the ſaid Rectorie and parſonage of R. with the appurtenances, and all manner of houſes, barns, glebe lands, tithes, fruits, profits, and aduantages whatſoeuer to the ſame Rectorie and parſonage belonging, or in any wiſe appertaining vnto one R. B. late of N. in the ſaid Countie of C. Eſquire, deceaſed, father vnto your ſaid Orator, for a number of yeares yet entring, reſerving thereby a great annuall rent (the tithes of the vicarage of R. aforeſaid, and the patronage and diſpoſition thereof, and all the woods and timber trees of the ſaid parſonage alwaies excepted and forprized out of the ſaid leaſe) which ſaid eſtate, intereſt, & terme of yeres of him the ſaid R. B. of & in the ſaid Rectory, your Lo. ſaid Orator by good

and ſufficient conueyance and aſſurance in the Law now hath, by vertue of which ſaid leaſe, as well the ſaid R. B. in this life time, as alſo your ſaid Orator ſince the death of the ſaid R. haue by the ſpace of many yeres together been lawfully poſſeſſed of the ſaid rectorie, and haue yearely from time to time ſince the making of the ſaid Leaſe, quietly & peaceably receiued, leuied, taken, and inioyed in their ſeuerall times all the iſſues, commodities, and profits thereof, to their owne proper vſe and behoofe, without the diſturbance, let, or interruption of any perſon or perſons whatſoeuer, vntill now of late. So it is if it may pleaſe your good Lordſhip, That one I. D. of D. in the ſaid County of C. Eſquire, hauing by ſome caſuall meanes gotten into his hands and cuſtodie the ſaid Indenture of leaſe made to the ſaid R. B. of the ſaid Rectorie by the ſaid Deane and Chapter, as aforeſaid, and diuers other Writings, and meane Conueyances concerning the ſame, of right belonging to your ſaid Orator, became an earneſt ſuiter vnto William I. Doctour of Diuinitie, Deane of Chriſts Church in Oxford aforeſaid, R. P. T. T. &c. being the Chapter of the ſame Church, to procure a Leaſe vnto him the ſaid I. D. from the ſaid Deane and Chapter, of the Tythes of the ſeuerall Townſhips, hamlets, and places of P. P. &c. which ſaid Townſhips, Hamlets, and places, are ſcituate, lying, and beeing within the limits and precincts of the ſaid Rectorie formerly demiſed to the ſaid R. B. as aforeſaid, the ſaid I. D. vntruly ſuggeſting vnto the ſayd Deane and Chapter, That the tythes of thoſe ſeuerall Townſhippes were concealed from the ſaid Deane and Chapter: And that they had no rent or reuenew at all to them therefore anſwered or paid by your ſaid Orator, nor by any other perſon or perſons, vnto which ſayd ſuite and accompliſhment thereof, the ſaid Deane and Chapter, as your Orator hath beene credibly informed, would not of long time conſent vpon ſuſpition by them conceiued, That the ſaid I. D. had ſome purpoſe or intent to procure from them a leaſe of ſome ſuch Hamlets and Townſhips as were formerly demiſed vnto the ſaid R. B. by the generall name of the Rectorie of R. wherein the ſaid ſeuerall Townſhips were included, whereby the ſaid I. D. might impeach and call in queſtion the validitie of the ſaid Leaſe made to the ſaid R. B. and thereupon the ſaid Deane and Chapter did affirme and declare to the ſayd I. D. that they would not demiſe or graunt vnto him the ſaid I. D. any thing that was compriſed in the ſaid leaſe made to the ſayde R. B. mentioned or intended to bee demiſed vnto him the ſaid R. B. in or by the ſame: vnto whom the ſaid I. D. made anſwer, That the ſayd Tithes of the ſaid ſeuerall Townſhips and Hamlets before mentioned, were not at all demiſed by the ſaid Deane and Chapter to the ſaid R. B. and that his purpoſe was not to challenge any thing by demiſe

from

from them which was formerly letten to the said R.B. but onely such things that were concealed from the said Deane and Chapter, for for which he would yearely answer and pay vnto the said Deane and Chapter the old accustomed rent, with an augmentation of a yearely reuenue of corne, according to the forme of the Statute in such cases prouided. Whereupon the said Deane and Chapter giuing credit to the said I.D. and willing to recontinue such things as the said I.D. affirmed to be wrongfully concealed and deteined from them, and thereby to increase their yerely reuenue, and hauing withall a great respect not to preiudice your said orator by any lease they should make to the said I.D. nor to lease any thing demised to the said R.B. did at the importunate suit of the said D. in July, in the xxiij yeare of the raigne of our gracious Soueraigne Lady the Quéenes Maiestie that now is, by their Indenture sealed with their common seale, demise, and to farme let to the said I.D. all their tithes, of what nature, kinde, or qualitie soeuer of the said seuerall Townships and hamlets before mentioned, the same being within the said precinct of the said rectorie of R. as aforesayde, from the feast of Saint Iohn the Baptist last past before the date of the said Indenture, vnto the end and terme of 21 yeares. The said Deane and Chapter then verily supposing, that none of the tithes of the said townships were included or comprised in the said Lease of the said Rectorie of R. made to the said R.B. but that the same were other things exempted out of the said lease, and concealed and wrongfully detained from the said Deane and Chapter, and not within the limits and bounds of the said Rectorie. By colour of which sayd lease procured by the said I.D. by such practise and meanes as aforesayde, and by hauing in his hands the said Indenture of Lease made to the said R.B. of right belonging to your said Orator, the sayd I.D. hath of late not onely many waies interrupted your said Orators possession of and in the tithes of the said townships and hamlets, but hath also thereupon attempted suite in her Maiesties Court of Exchequer at Westminster by writ of Quo minus against your said Orator for the taking and carrying away of diuers parcells of the said Tithes growing and renewing within the said seueral townships and hamlets. And albeit your said Orator hath diuers and sundrie times in gentle manner required the said I.D. not onely to deliuer vnto your said Orator the sayde Indenture of Lease so made to the said R.B. together with the saide other writings and meane conueyances, of right belonging to your said Orator, but also quietly to permit and suffer your said orator to haue and inioy the premisses, according to right, equitie, and conscience: Yet that to doe the said I.D. hath alwaies denied and refused, and yet doth denie and refuse, challenging the same by vertue of the

said

ſaid ſuppoſed leaſe made to him by the ſaid Dean and Chapter contrarie to all equitie and good conſcience. In tender conſideration whereof, and for as much as your ſaid Orator knoweth not the certaine date & contents of the ſaid leaſe made to the ſaid R. B. and of the meane conueiances aforeſaid, nor wherin the ſame be contained, wherby your ſaid orator is remedileſſe for the recouery of the ſame, by the order of ỹ common law: neither is he able to plead the ſaid leaſe in certaintie at ỹ common law, wherby he ſhal iuſtifie his right and title to the ſaid tithes by him lawfully taken as aforeſaid. And for that the ſaid Deane and chapter were ſo abuſed by the inſinuations and vntrue pretences of the ſaid I. D. and had no purpoſe at all to impeach the ſaid leaſe made to the ſaid R. B. nor your orator his title to the ſaid tithes and other the premiſes claimed by vertue of the ſame, nor yet to demiſe or grant any thing to ỹ ſaid I. D. that was compriſed, and intended to be demiſed in and by the ſaid Indenture of leaſe made to the ſaid R. B. May it therefore pleaſe your good L. the premiſſes tenderly conſidered, to grant vnto your ſaid orator her Ma. moſt gracious writ of Subpœna to be directed to Will. I. Dean of Chriſts Church aforeſaid, and to the ſaid R. P. L. M. &c. and to the ſaid I. D. who is vſually reſident within the citie of Londõ, commanding them and euerie of them thereby vnder a paine therein to bee limitted, to appeare before your L. in her Ma. high court of Chancerie, immediatly then and there to anſwer the premiſſes: and alſo to grant vnto your ſaid Orator her Maieſties moſt gratious writ of Iniunction for the eſtabliſhing of your ſaid orators poſſeſſion, of and in the ſaid Rectorie, and other the premiſſes, and for the ſtay of all actions commenced or to be commenced againſt your ſaid orator at the common law, vpon or by colour or preteuce of the ſaid leaſe ſo vnduly procured by the ſaid I. D. from the ſaid Deane and Chapter, and further to ſtand to & abide ſuch order herein as to your good L. ſhall ſéeme to ſtand with iuſtice and equitie. And your ſaid orator ſhal daily pray for your L. in al honor and and happineſſe long to continue.

T. B.

E. C.

R. C.

The anſwere of I.D. Eſquire, one of the defendants, to the vntrue Bill of complaint of T.B. Eſquire, complainant.

THe ſaid defendant ſaith, that the ſaid Bil of complaint is very vntrue, vncertain, and inſufficient in the Law to be anſwered vnto, not containing any ſufficient matter or iuſt cauſe of ſuit againſt this defendant, but onely deuiſed and contriued by the complainant, to put him as it ſéemeth to wrongful veration, coſts, charges, and expences in the law without any iuſt cauſe of ſuit, whereof this def. doth demand iudgement of this ho. court, and prayeth to be diſmiſſed out of the ſame. Neuertheleſſe, if this def. ſhall be compelled to make any farther anſwer to the ſaid bill of complaint, ſaith, that he vnderſtanding the ſaid leaſe for yeares mentioned in the ſaid bill of complaint made to the ſaid R.B. father of the ſaid compl. to be a méere void leaſe, and of no force and validitie in the law, for that the ſame leaſe was not demiſed by the Deane & Chapter, but by the Deane, with the aſſent & conſent, of the Chapter, procured diuers letters of ſundrie hon. perſons to the ſaide Deane and Chapter of Chriſt Church of Oxenford, named in that ſaid bill of complaint in this def. behalfe and fauour for the obtaining of a leaſe for yeares of the ſaid Deane and Chapter, the which ſaid Deane and Chapter at the requeſt and contempl. of thoſe letters, by their Indenture vnder their Chapter Seale, did amongſt other things demiſe and to farme let vnto this def. al that their tithe corne and graine, comming, renuing, and yearely growing in the Townſhips or Towns and fields mentioned in the ſaid bill of complaint for terme of xxj. yeares, by vertue of which demiſe to him made, this def. taketh himſelfe lawfully intereſſed and intituled in and to the ſaide tythes demiſed vnto him, and becauſe this def. meant to proceede in a plaine, vpright and lawfull courſe in Law againſt the ſaid compl. for the triall of the validitie of his ſaid pretended leaſe, brought his action in the Court of Exchequer by way of Quo minus againſt the ſaid complainãt and others, and as it ſéemeth now to this defendant the ſaide complainant perceiuing the weakneſſe and inualiditie of his owne title, vpon fained and vntrue ſurmiſes hath exhibited the ſaid bill of compl. into this ho. court, to vexe and trouble this def. and the other defendants named in the ſaid bill of compl. to maintaine and continue his wrongfull poſſeſſion by a void leaſe, and of no validitie in law, as to your L. for the cauſe aforeſaid, may appeare, which ſaid leaſe the ſaid complainant to the great preiudice and hinderance of the ſaid College and Students thereof, laboureth and ſeeketh to enioy, being void in Law, and which leaſe if it were a good leaſe ſhould endure and continue for many more yeares than

Sect. 163.

than the leaſe made to this defendant, and would be leſſe in yearely rent and benefit of the ſaid Colledge, than this defendants Leaſe will be, reſpect being had to the things demiſed: And therefore as this Defendant thinketh, the ſaid Complainant is not to be relieued by any equitie, or maintained in poſſeſſion vpon a meere void leaſe in law, ſince that by colour of the ſaid void leaſe the ſaid Complainant and his father haue receiued ſo great a profit for many yeares paſt: without that, that the defendant hath by any caſuall meanes gotten into his handes and cuſtodie the ſaid Indenture of leaſe made to the ſaid R. B. of the ſaid rectorie by the ſaid Deane and Chapter, and diuers other writings and meane conueyances concerning the ſame, of right belonging to the ſaid Complainant, as moſt vntruly by the ſaid Bill of complaint is alleaged, for that he ſaith, that he neuer had the ſaid ſuppoſed leaſe, nor any meane conueyance thereof, or that the ſaid Deane and Chapter euer at any time made any ſuch leaſe to the ſaid R. B. father of the ſaid Complainant, as the ſaid complainant ſurmiſeth, but ſuch a leaſe as in this defendants anſwer is before alleaged, or that the Defendant vntruely ſuggeſting vnto the ſaid Deane and Chapter the other Defendants in the ſaid bill of complaint, that the tithes in the ſaid ſeuerall Townſhippes mentioned in the ſaid bill of Complaint were concealed from the ſaid Deane and Chapter, and that they had no rent or reuenew at all to them therefore anſwered or paid by the ſaid complainant, nor by any other perſon or perſons, as moſt vntruly is alleaged and ſurmiſed by the ſaid bill of complaint, or that the ſaid Deane and Chapter did affirme and declare to this defendant, that they would not demiſe or grant vnto him this defendant any thing that was comprized in the ſaid leaſe made to the ſaid R. B. or that was mentioned or intended to be demiſed to him in the ſaid R. in or by the ſame leaſe. Or that vpon any ſuch affirmation this defendant made anſwer, That the tithes of the ſaid ſeuerall townſhips mentioned in the ſaid bill of complaint, were not demiſed by the ſaid Dean and Chapter to the ſaid R. B. And without that, that this def. alleaged, that his purpoſe was not to challenge any thing by demiſe from them, which was formerly letten to the ſaid R. B. but only ſuch things as were concealed from the ſaid Deane and Chapter, as moſt vntruly is alleaged by the ſaid bill of Complaint, but he ſaith that he affirmed if he might haue a leaſe made to him, he would yéeld an increaſe of rent of Corne, according to the forme of the Statutes in ſuch caſes prouided. And further this defendant ſaith, as before he hath ſaid, That hee beeing informed that the Leaſe made to the ſayde R. B to bee a voyde Leaſe, became an earneſt Suitour by the meanes aforeſayde, for a Leaſe of the ſame things that were pretended to bee demiſed to the ſayde R. B. and enformed the ſayde Deane and

Chapter

Chapter, that they might, and that they had power in them to demise the same. And this def. further saith, that there was included in the said supposed lease made to the said R. B. all the things that he demised to this Defendant, and if this defendant should not haue meant to haue had in lease from the Deane and Chapter the things supposed to be demised to the said R. B. and to enioy the same, then should he haue had by his lease no benefit, and should vainly haue procured such honorable friendship: And therefore he saith, that the same allegation suggested in the said Bill of Complaint, that this defendant meant not, or that his purpose was not to challenge any thing by demise from the said Dean and Chapter, that was in shew formerly demised to the said R. B. is most vntruly alleaged against all probabilitie of reason, when as he wel did know, and the Deane and chapter also might vnderstand, that the whole Rectory, except the Vicarage, was in shew demised, and the tithes of the said Townships included in the said supposed Demise, and therefore saith, that the said Dean and Chapter at the contemplation and request of the said letters, made a lease of the said tithes to this Defendant, and to manifest their good intention and meaning towards this Defendant, for the inioying thereof the said Deane & chapter gaue this Defendant a Transcript of the Counterpaine of the said supposed lease vnder their Chapter seale, & besides, this def. had a rentall deliuered in writing to him, expressing or containing the rents of the townships mentioned in the said bil of complaint. And this Defendant saith, That his meaning was euer to haue and inioy the benefit of the sayd demise, and of the things therein contained, and so he taketh it, the said Deane and Chapter so meant and vnderstood the same, beeing persons of so great learning, iudgement, and discretion, that they would not grant the same things, and meane contrarie to their owne demise: And without that, the said Deane and Chapter then verily supposing that none of the tithes of the said townships were included or comprised in the said lease of the said Rectorie of R. made to the sayd R. B. but the same were other things excepted out of the said lease, and concealed, and wrongfully detained from the said Deane and Chapter, and not within the bounds and Limits of the said Rectorie, as most vntruly and vainly it is alleaged by the said Bill of complaint, without either reason or probabilitie of reason, or that the same demise made to this defendant was made vpon any such fained and vntrue allegation: For he saith, that such an ouersight may not bee without any reason imputed to the said Deane and Chapter, beeing men of learning and iudgement, that they should suppose none of the tithes of the sayd townships were included in the said lease of the Rectory of R. made to the said R. B. but other things excepted and concealed, and not within

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the limits and bounds of the said Rectory, when as the said Deane and Chaptec by the said rentall may appeare, that the towns mentioned in the said Bill are parcell of the Rectorie of R. and the tithes in the same towne demised to this defendant. And the said defendant further saith, that hee hath not had or euer had in his hands the said Indenture of lease made to the said R. B. nor by colour of hauing thereof, hath attempted any suite, but began his suit by reason of his owne Lease made to him, which he taketh is lawfull for him to doe. And without y^, that there is any other matter or thing touching this def. material or effectuall to be answered vnto, and not herin confessed and auoided, trauersed, or denied, is true: All which matters this def. is readie to auer and proue as this ho. Court shal award; and prayeth to be dismissed out of this ho. Court, with allowance of his costs and charges, &c. W.D.

The ioynt and seuerall answers of W. I. Doctor of Diuinitie, Deane of the Cathedrall Church of Christ in Oxford, of King Henrie the eights foundation, R. P. A. W. T. T. &c. Prebendaries of the Cathedrall Church, defendants to the Bill of complaint of T. B. Esquire complainant.

Sect. 165. THe said defendants, all aduantages of exception to the incertaintie and insufficiencie of the said bill of Complaint being to them these def. now and at all times hereafter saued, for direct answer thereunto, so far forth as concerneth the knowledge of them these defendants materiall for them to answer vnto, say as followeth, that is to say, That heretofore I. D. in the said bill of complaint named, was an earnest suitor to the said defendent W. I. and to the Chapter of the said cathedrall Church, for the obtaining & getting of a lease of al their the said Deane and Chapters tithe barne in P. in the County of C. and of al their tithe corne and grain, comming, renuing, and yearely growing in the towns and fields of P. aforesaid, Y. &c. in the said County of Chester, and of the tith corne, grasse, pigge, and gose of T in the said Countie of Chester, and of the tithe hay and grasse of M. S. and B. aforesaid. And for the better obtaining of his said suit, he the said I. D. obtained and procured seuerall letters from diuers great and honorable persons of this Realme, directed to the said Deane and Chapter of the sayd Cathedrall Church, whereby the said Deane and Chapter were earnestly moued to grant and yeeld to the said request of the said I. D. At the which time the said I. D. did affirme & say to these defendants, or to the greater part of them, that in the premisses so by him the said I. D. required to be to him demised, there was then no lawfull estate continuing, but vsurped by such occupiers as had no right vnto them, & who vouchsafed not to seeke vnto the Church for them, nor to offer any good offers to them,

them and that contrariwiſe himſelfe would reduce thoſe things to a more profitable reuenue to their Church, or vſed other words and ſpeeches to the like effect, by reaſon whereof, theſe def. or the greater part of them the better to ſatiſfie their duties toward the hon. perſons in a ſuit ſo reaſonable, and tending to the benefit of their Church, did by Indenture vnder their Chapter ſeale bearing date the 22. of Decemb. in the 35 yeare of the Raigne of our Soueraigne Ladie the Quéenes Maieſtie that now is, demiſe, grant, and to farme let the ſaid tith barne and other the premiſſes to the ſaid I.D. To haue and to hold to him, his executors, adminiſtrators, and aſſignes, from the feaſt of S. Tho. the Apoſtle laſt paſt before the date of the ſaid Indenture vnto the end and terme of 21. yeares then next following fully to be compleat and ended, as they thinke they might lawfully doe, they then not knowing any lawful leaſe to be in being of the premiſſes, and yet to the end and intent that no perſon hauing any lawfull intereſt in the premiſſs, or in any part therof for terme of thrée yeres or more (if any ſuch were) might be by the ſaid demiſe or grant of theſe def. preiudiced or hindred, the def. cauſed the ſaid I.D. by his ſufficient déed in writing, as the defendants take it, for the better ſecuritie, ſafetie, and quiſtnes of their lawfull tenants, whom they meant not ſhould bee impeached, to couenant with theſe def. that the ſaid demiſe, nor any couenant, grant, or article in that ſaid Indenture of demiſe contained, ſhould in any wiſe extend to bind or charge any of them the ſaid Deane and Chapters tenants, holding or claiming by good and lawfull grant, any lawfull eſtate for the terme of 3 yeares at the leaſt, or more then to continue, any matter or thing in the ſaid Indenture of demiſe mentioned to the contrarie notwithſtanding, whereby it doth and may appeare to this hon. Court, That theſe defendants haue not done any thing concerning the ſaid demiſe of the premiſſes of the ſaid I.D. than as they thinke they and euery of them might lawfully doe, making ſuch prouiſion as aforeſaid, that no tenants which held by any lawfull intereſt ſhould bee impeached by this their leaſe, without that, that to the knowledge of theſe Defendants, or any of them, the Dean and Chapter of Chriſts Church in the Vniuerſitie of Oxford, predeceſſors of theſe defendãts, did lawfully demiſe, grant, and to farme let the rectorie or parſonage of R. in the ſaide Bill of compl. mentioned, with the appurtenances, to R.B. in the ſaide bill of compl. named, in maner and forme as in and by the ſaid Bill of complaint is farmiſed. And without that, that to the knowledge of theſe defendants, or of any of them, the tithes demiſed by theſe defendants to the ſaid I. D. as is aforeſaid, were lawfully demiſed by the Deane and Chapter of the ſaid Cathedral Church, predeceſſors of theſe Defendants, to the ſaide R. B. in manner and forme as is in and

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by the ſaid Bill of complaint ſurmiſed. And without that, that any o-ther matter, clauſe, or ſentence in the ſaid bill of complaint compriſed, being materiall in the opinion of them to be by theſe def. anſwered vn-to, & not herein ſufficiently confeſſed and auoided, or trauerſed and deni-ed is true. All which matters they theſe def, and euerie of them are rea-dy to auerre and proue as this hon. Court ſhall award, and pray to be diſmiſſed out of the ſame, with their coſts by them ſuſtained.

The Replication of T.B. Eſquire complainant, to the Anſwer of I.D. Eſquire one of the defendants.

Sect. 165. The ſaid Complainant by proteſtation not confeſſing or acknow-ledging any matter or thing materiall or effectuall in the ſaide An-ſwere alledged to be true, in ſuch ſort, manner, and forme, as the ſame are thereby expreſſed and ſet forth, and by proteſtation alſo that the ſayd anſwere is vncertaine, and inſufficient in the law to be replied vn-to, for diuers great and apparant faults therein manifeſtly appearing, the benefit and aduantage whereof at all times hereafter to the Com-plainant ſaued and reſerued, the ſaid Complainant for replication, re-plieth and ſaith in all things as before in his ſaid Bill of Complaint he hath ſaid. And further ſaith, that all and euery the matters in the ſaid bill of Complaint contained, are and be good, iuſt, true, certaine, & ſuf-ficient in the Law to be anſwered vnto in ſuch ſort, manner, and forme as they and euerie of them in and by the ſaid bill of Complaint by him beene moſt iuſtly, plainely, and truely alledged and ſet forth, and the ſame he is readie to auerre and proone, as it ſhall pleaſe this hon. Court to award. And the ſaid Complainant further replieth and ſaith, that the ſaid Deane and Chapter the other defendants, named in the ſaide Bill of complaint, had no meaning or intention to demiſe vnto the ſaid I.D. any thing that was by them or their predeceſſors formerly de-miſed to this complainants father, and in this complainants poſſeſſi-on by vertue of the ſaid leaſe, and to giue full ſatisfaction thereof to this hon. Court. This complainant further ſaith, that the ſaid I. re-quiring of the ſaid Deane and Chapter to haue a leaſe of the townſhip of R. together with the ſaid other townſhips in the ſaid bill of Com-plaint mentioned by him, procured a leaſe from the ſaid Dean & Chap-ter by ſuch practiſe and ſucceſſions as in the ſaid bill of complaint is al-ledged, the ſaid Deane and Chapter then made anſwere to the ſaid I. D. that this complainant was the Farmer of R. and held the ſame by leaſe from the ſaid Deane and Chapter: And that they would not in any wiſe demiſe any thing to the ſaide Daniel that was compriſed in the ſaid leaſe made to the Complainants father. To which anſwere

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the said I.D. replied and sayd, that he could doe well enough with that lease, if the said Deane and Chapter would bee pleased to demise the said Townehip of R. with the rest of the said Townehippes to him the said I.D. whereunto the said Deane and Chapter then answered to this or the like effect, videlicet, that they would not goe about to impeach the said Lease made to the said complainants father: and that it was not fitting for men of their Coate and qualitie, to stand upon quirkes and quillets in Law. By which words it evidently appeares, that the said Deane and Chapter were circumuented and misled by the vntrue informations of the said I.D. to them made in manner and forme, as in the said Bill of Complaint is alleaged and set forth: and that they knew not at the time of the making of the said I.D. Lease, that the said Townehippes thereby letten were formerly demised to the said complainants father in and by the generall words of the Rectorie of R. which did include the said Townehippes, so as if there bee any such defects in the said Lease made to the said complainants father, as the said I.D. pretendeth by his said answer, as this Complainant hopeth there is not, yet for as much as this complainants father and this complainant haue euer since the making of the said Lease, which was many yeares since, quietly enioyed the same, and by all the saide time payed the Rent to the said Deane and Chapter reserued thereupon: And that the said I.D. procured his said lease, by such sleights, and subtleties, as is aforesaid. And that the said Deane meant not to demise any thing to the said I.D. that was formerly demised to the said complainants father, nor to impeach the said Lease made to the said Complainants father vpon any defect whatsoeuer. Wherefore this complainant hopeth this honourable Court will compell the sayd I.D. to bring in the said Lease so procured as aforesaid, into this Honourable Court to be cancelled, or otherwise disposed of, as to the same shall be thought meet: and will order that this complainant shall haue and inioy the benefit of the said lease made to this complainants father, as aforesaid, notwithstanding any such defect therein, as is pretended by the said I.D. And whereas the said Defendant alleageth in his said Answere, that the sayd Deane and Chapter, to manifest their good intention and meaning towards the said defendant, and to the intent he might inioy such things, as they had to him demised, did deliuer vnto him a Copie or Transcript of the said Lease made to this Complainants father, and a rentall of the said seuerall Townehippes in the said Bill of Complaint mentioned. To that Allegation this Repliant saith, That the purpose of the sayd Deane and Chapter in the deliuerie of the said Copie or Transcript was, that the said I.D.

might thereby know what was demised or intended to bee demised to the said complainants father: And to the end that hee the said I.D. might not meddle with any thing comprised in the said Lease, and to no other intent or purpose, without that, that the said Deane and Chapter did know by the said Rentall, that the Townes mentioned in the said bill demised to the said I.D. were parcell of the said Rectorie of R. and were formerly demised to the said compl. father, and without that, that any other matter or thing in the said answer alleaged materiall or effectuall for this compl. to replie vnto, and herein not sufficiently confessed and avoided, denied, or traversed, is true. All which matters this complainant is readie to averre and proone, as it shall please this Hon. Court to award: and prayeth as before in his said bill of complaint he hath prayed.

R. C

A Supplication by two maimed Souldiers, to haue the Councels licence to begge, or to haue some maintenance allowed them for their present stay and relief, vntill two Almes roomes which the Qu. gaue in reuersion do become void.

To the right Ho. the Lords, &c.

Sect. 166. HVmbly shew and beseech your good Lo. your verie poore and humble Suppliants A. G. and B. C. That whereas in consideration of the sundrie maimes and hurts of your Hon. Suppliants in her Maiesties service, it pleased her Highnesse of her most gratious disposition, and pitifull consideration of vs, to giue and bestow vpon vs the reuersion of two seuerall Almes roomes in the Hospitall of D. in the Citie of London, during our liues, when the same should become voyd, the which be yet full, and after their deaths which now be in the possessions of the same, diuers reuersions are granted to seuerall persons of the same, by reason whereof your Lordshippes poore Suppliants are neuer likely to inioy the same roomes for their relieue and sustenance. In consideration whereof, and for that your Hon. said suppliants be in verie poore and weake estate by reason of their said maimes and hurts, and greatly indebted to diuers persons, being charged with wiues and many children, not hauing any thing now left them to maintaine, helpe, or relieue themselues withall in this their great pouertie and extremities, but are readie to perish for lacke of sustenance and other meanes. It may therefore please your good L. the premisses being by your Ho. tenderly considered, to grant vnto your Lordsh. poore suppliants for their present stay, relieue, and comfort, your H. Licence,

for

for the taking and receiuing of the Almes, and charitable beneuolence of the well disposed persons throughout the whole Realme, vntill the said Almes rowmes shall become void, or some other prouision or maintenance for the reliefe of their present necessitie, such as to your ho. shal seeme meete & conuenient may be had and made, & your said powre supp. according to their bounden duties will pray to God for your good L. in all healthy and honour long to continue.

A Supplication by a Merchant stranger, who hauing beene before called into question for cosining of one in a barter of Pearle for Cloth, who desireth the same may be examined and ended by Aldermen of London and other assistants of skill and iudgement: And that if they cannot agree, then the Lord Maior of London to be vmpire betwixt them, or elſe that the same may receiue a triall in any court of Iustice within the realme, and that in the meane time his libertie may not be impeached.

To the right Hon. the Lordes &c.

IN all humblenesse beseecheth your honorable good Lordshippe I.C. of the Citie of London, Marchant stranger. That whereas R.S. of the same Citie Merchant tailor, hath sundry times complained vnto your Honour that your said Suppliant had cosined him in deliuering pearles for 285. pounds, which were not worth 20. pounds, in consideration of a barter of cloth deliuered to your Lordships suppl. whereupon it pleased your Lordship to graunt your Warrant for the bringing of your said suppliant and his aged father before your good Lordsh. to answere to the said supposed cosinage supposed against them, which they haue alreadie in some sort answered, according to the shortnesse of the time. But forasmuch as for the full and plaine discouery of the said pretended cosinage, wherewith your Lordships sayd suppliant is charged by the said R.S. it seemeth requisit that the whole proceedings in the said barter or contract were throughly examined by some Aldermen of the citie of London, calling vnto them for their assistance therin, two of the Dutch Church, of sufficient iudgement and skill in such cases to be indifferently nominated by your said suppliant and the said R.S. it may therefore please your good Lordshippe to giue full power and authoritie by your Honours letters to Alderman S. and E.D. one of the Dutch Church chosen by your said Suppliant (if so it may stand with the liking of your good Lordshippe) beeing of iudgement and skill, and very wise and discreet men, and to another Alderman of the said Citie, and any other of the said Dutch Church to be likewise nominated and appointed by the saide R.S. who may examine Sect. 167.

and trie out the truth of the saide supposed cosinage: And that it may also please your good Lordship that the Lord Maior of the said citie of London may be by your honor nominated and appointed to be vmpier in the said cause for the finall ending thereof, if it should so happen and fall out, that the said foure persons should not fully end the same cause betwixt the said parties touching the said supposed cosinage, to ẏ which arbitrement and vmpirage your saide suppliant will willingly submit himselfe to stand vnto and performe. And if the said cause cannot by the said arbitrators or vmpires receiue a full and finall end through the wilfulnesse or frowardnesse of the said R. S. according to the charitable and honest intent and purpose of your Lordshippes said suppliant: Then your said suppliant humbly beseecheth your Hon. that it may be ordered by your good Lordship, that the said cause may receiue a short, speedie, vpright, and indifferent triall at the common law in what Court it shall please your good Lordship to appoint. And for that your said Suppliant doubteth least by the practise of the said R. S. his libertie may be impeached before the said supposed cosinage may bee fully tried and ended, the petitioner therefore humbly beseecheth your good Lo. that by your Lordsh. order his poore aged father may bee protected and defended from arrestes or other trouble or molestation, vntill the said cause shall receiue a finall end, and your said suppliant shall daily pray to God for ẽ.

A Supplication by an Innekeeper imprisoned for treason vpon counterfeit letters from the Privie Councell, who being thereof afterwards discharged by letters from the Councell, had seuerall actions of debt layd vpon him before his inlargement. And afterwardes was from thence remooued to the Fleete, and there remaining for his debt, prayeth that he may complaine of abuses offered to him and to detect others of offences and misdemeanors by them committed. And also to write letters to the Commissioners for prisoners for debt in the Fleete, to compound all causes betwixt him and his crediters.

To the right Hon. the Lords, &c.

Sect. 168. HVmbly sheweth and complaineth vnto your good Lo. your poore suppliant and daily orator I. W. of N. now prisoner in the Fleet, That where about the moneth of September last past in the 32. yeares of her Maiesties raigne, one W. P. brought to the said Towne of N. certaine counterfeit letters vnder the names of the Lord Chancellour, Lord Treasurer, and others of her Maiesties most honourable Privie Councel, with commandement to I. B. then Maior of the sayde

Towne

towne of M. by vertue of the ſaid letters, to apprehend and take your ſaid ſuppliant vpon ſuſpition of treaſon, and commit him to cloſe priſon, with heauie yrons to be laid vpon him, the which ſaide Maior executed accordingly, where your ſaid ſuppliant ſo continued by the ſpace of fiue weekes. And your ſuppliant being ſo impriſoned, required the ſaid Maior that the ſaid W.P. might be ſtayed, for that he in the ſame yeare had counterfeited certaine other letters vnder diuers of your Lo. hands, but the ſaid maior refuſed to ſtay him, becauſe hee came with your L. letters to him (as he ſuppoſed) ſo the ſaid W.P. departed, leauing your ſaid ſuppliant in cloſe priſon. Whereupon your ſaid poore ſuppliant ſent one to acquaint your Hon. with his poore diſtreſſed caſe for redreſſe and reliefe from your good Lo. therein, who thereupon receiued your Hon. letters in your ſuppliants behalfe, directed vnto the ſaid now Maior of the ſaid towne of M. for his enlargement of his ſaid impriſonment. But your L. ſaid letters notwithſtanding, your poore ſuppliant was not ſet at libertie, but detained in priſon by the ſpace of eight dayes after your L. letters were deliuered vnto the ſaide Maior, by meanes whereof there was one execution for debt, and diuers other actions of debt laid vpon him, to the vtter vndoing of him, his wife, and eight poore children, your ſuppliant being a poore Inholder in the ſaid towne of M. and hauing no other trade of liuing or meanes to maintaine himſelfe and his poore family, by reaſon of which ſaide vntrue ſlander of ſuſpition of Treaſon, and of his long impriſonment of ſeuen moneths or more, he hath loſt his accuſtomed gueſts being many, which vſed to come to his ſaid houſe. May it therefore pleaſe your good Lo. the premiſſes being by your H. tenderly conſidered, and for that your ſaid poore ſuppliant vpon his remoone to the priſon of the fleete, entred into bond to appeare before your good Lo. at what time ſoeuer it ſhould pleaſe your H. to appoint him ſo to doe, to admit your ſaide ſuppliant to complaine before your H. of diuers wrongs and abuſes offered and done vnto your poore ſuppliant, as alſo to diſcouer and detect ẏ ſaid W. and ſome others his confederates of verie lewd parts and offences committed by them: And alſo that it will pleaſe your hon. to graunt your Letters to the Commiſſioners for poore priſoners for debt in the Fleete, for the ſpeedie compounding and ending of all cauſes betwixt your ſaid Suppliant and his Creditors, and your ſaid ſuppliant as hee is moſt bounden ſhall daily pray for your hon. good Lo. in health and in honor long to continue.

A Supplication containing that vpon a former supplication the Counsels letters were directed to a knight and others of the country where both the parties dwelled, to heare and end a cause, being a matter of account, whereupon the knight & the others first wrote their letters to the parties, and they not comming before them, vpon their letters they did thereupon by vertue of the Counsels said letters sent their precept vnto them, commanding them to appeare before them for ending of the said cause, who refused to come before them, the which his contempt was by the said knight &c. certified to the Counsell against them. And now the petitioner prayeth the Counsels warrant to bring the parties before the said knight &c. for the ending of the said cause, and if the said parties wilfully refuse to stand to and obey their order, then to commit them to the Gaole, there to remaine vntill they will be contented to obey and performe the same.

To the right Ho. the Lords, &c.

Sect. 169. HVmbly sheweth vnto your good L. your humble suppliant M. C. Clothier, ỳ whereas vpon a former petition exhibited vnto your good L. declaring the iniurious, vnconscionable, and sinister dealings of one T. M. & I. his sonne, touching a matter of debt and account, which was by your suppl. fully satisfied: Yet continued the suit against your said suppl. for the space of 7. yeares together onely of purpose and malice, to the end to molest, trouble, and impouerish your said suppliant, as by diuers certificats then to your H. by your said suppl. shewed did fully & at large appeare, as also the lewd & euill conuersation and demenor of the said I. D. duly certified vnto your good L. by the town of C. in the countie of S. vnder the common seale of the same towne: whereupon it pleased your good L. to direct your hon. letters vnto sir G. T. of A. in ỳ said countie of S. knight, and others, to call before them ỳ said T. M. & all other persons whom that matter did in any wise concerne, and ỳ vpon due hearing & examinations of witnesses vpon both parts he proceed to proceed to the finall ending and determining thereof, according to equitie and conscience, and thereupon the said Commissioners according to your Lordships said letters of Commission sent first their letters, requiring them to come before them for the ending of the said cause: and for that they did not appeare before them vpon their said letters, they then addressed vnto them their precept, requiring and commanding them and euerie of them by vertue of your Honors saide letters of commission to them directed, to come and appeare before them for the ending of the said cause, both which letters and precept were deliuered by one A. B. vnto the said T. M. who was the principall molestor

lesto2 o2 troubler of your supp. in these causes, who albeit hee had receiued the said letters and p2ecept, yet ꝑ notwithstanding he would not appeare beso2e the said Commissioners, but contemptuously by his letters to the Commissioners refused to appeare beso2e them either vpon the said letters, o2 the p2ecepts from the said commissioners, as by a certificat from the said commissioners readie to be shewed vnto your good L. may appeare, to the great derogation and contempt of your good Lo. May it therefo2e please your Ho. fo2 the b2idling and checking of such dissolute, froward, and wilfull obstinacy, to the terrifying of such like disobedient persons, to grant vnto your said suppl. your L. warrant to be directed vnto the Sherife of the said countie of S. to b2ing the sayde L. M. beso2e the said commissioners at such a day, houre, and place, as by letters from the said Commissioners to the said Sherife shalbe assigned o2 appointed: And that if the said L. M. being b2ought beso2e the said Commissioners, shall wilfully refuse to obey and perfo2me such o2der, end, and determination, as the said Commissioners shall thinke good to set downe therein: That the said Commissioners may haue full power and authoritie to commit the said L. M. to the gaole within the said Countie, there to remaine vntill he will yeeld to perfo2me and obey the o2der and determination of the said Comissioners, o2 that your good L. shall giue o2der and direction fo2 his deliuerie out of p2ison. And your said suppl. shall daily p2ay fo2 the p2eseruation of your good L. in all felicitie and happinesse long to continue.

A Supplication by one for himselfe and for eight other Prisoners indicted of murder in Wales (wrongfully as they pretend) containing a former supplication, whereupon the Councell ordred, that they should receiue their trialls vpon the said Indictment of life and death in the Countie of Salop, and not in the countie of M. where they were indicted, praying that they might bee bailed, for that he was a Freeholder of good worth, and able to put in good suretie, that the Councell would be pleased to giue order by their Letters to the Lord President and Councell in the Marches of Wales for the bailing of them.

To the right Hon. the Lords, &c.

MOst humbly info2meth your good L. your humble suppliant and daily o2ato2 E. D. of the county of C. fo2 himself and eight others, now p2isoners in the goale of M. fo2 the supposed murdring of one M. G. who died about Penticost last past: That whereas vpon some suddaine heat of wo2ds varience happning to grow between the same M. G. and your said suppliant L. in the said countie of C. vpon the 28 day of May last past, about the hauing vp of a writ of capias, with a se2 fo2merly Sect. 170.

merly giuen for the executing of the same writ, at which time by harhap a stander by giuing a light blow to the said M. G. with a stone vpon the head, whereof he neuer languished so much as one houre in outward apparance, neither did his chirurgion conceiue any danger to bee therein, but the said M. G. trauelled afterwards without shew of griefe from place to place about his affaires into forreine countries, vsing all exercises and disports of pleasure, and afterwards vpon the 10 day of June through sickneſſe died in the said countie of M. In which county of M. by fauor of the kinred and allies of the said M. G. your suppl. & 13 others were vniustly indicted for the death of the said M. G. as for murder, although there were no manner of malice betwixt your L. said suppliant and the said M. G. before the said hurt of him the said M. G. but great good will and liking betwixt them. For the same night ẏ the sayd M G. was hurt, as is aforesaid, hee had appointed to lie at your L. sayd suppl. house, whereupon your good L. said suppl. being an humble suitor to your M. for redresse of the said hard measure, it pleased your good L. in your very Wo. consideration by order from your L. to appoint a triall of your said suppl. and the other 8 indicted persons at the Assises to be holden for the said countie of Salop, as a place more indifferent & fit for the same, and yet neuertheleſſe, your said powre suppl. and the rest remaine in prison, & cannot be bailed, albeit verie good and sufficient baile haue bin by your L. suppl. diuers times offered, not only for himself, but also for the rest of his people, being indicted and imprisoned. And for ẏ your M. said suppl. is a freeholder of credit and worth, well able to finde very good and sufficiẽt suretie for his owne baile & his said people to appeare & answer to the said indictment against them before the Qu. Ma. Justices of assise for the said county of Salop, at the nert Assises to bee holden within the said countie of Salop for the said Countie: It may therefore pleaſe your good L. of your accustomed care and cõmiseration of powre afflicted persons for their reliefs, to giue such order and directiõ by your honors letters to be directed to the L. President & Councel of ẏ marches of Wales, that your L. said suppl. and his powre people may not only receiue their said trial vpon the said indictment in the said countie of Salop, according to your good L. former order & direction therein, but also that they may be presently bailed vpon good and sufficient sureties to be of them taken by the said L. President and councell for their personall appearance before the said Justices of Assise for the said County of Salop, at the said nert assises to be holden before the for the same countie, then and there to answer to the said indictment, and to receiue therin according to law and iustice: And your said powre suppl. shal pray vnto God for the long preseruation of your good L. in health and much honor long to continue.

A Supplication to haue the Councels letters to two bailifes of a towne, to take vpon them the hearing of a controuersie of an account, or else to appoint other two to doe the same, & that they two appoint an Vmpire to end the matter. And if the said Vmpier cannot end it, then to certifie the councell of the state of the matter, and their opinions thereof, and in whom they conceiue the fault to be.

To the Hon. the Lords, &c.

IN most humble and lamentable manner sheweth vnto your Honourable Lordships your poore suppliant A. B. of C. in the Countie of N. Merchant: That whereas there are diuers matters of Account in question and controuersie betweene your said poore suppliant, and one Y. B. of N. which will aske and require some long time and great charges to be prosecuted and determined by the due course of the Common lawes of this Realme, the which would turne to the vtter vndooing of your said suppliant, because he is now readie with his ship to depart towards the Straits, and therefore very vncertaine of his returne. It may therefore please your good Lordships to grant your Hon. Letters to be directed vnto the two Bailifes of great Yarmouth, either to heare the said account betwixt them, or else to appoint two other indifferent persons to heare the same, & that those two may of themselues appoint an vmpier to end and determine the said controuersies, vnto the which if the said Y. B. or your Hon. said suppliant will not yeeld vnto, that the they may certifie vnto your good Lordships the state of the said controuersies betwixt them, with their opinions therein, and in whom they conceiue the fault to be. And your said poore suppliant shall be bound during his life to pray for your good Lo. increase of honour and perpetuall felicitie. Sect. 171.

A Supplication of H. K. and E. M. being prisoners in the Fleete for misdemeanors in the Starre-Chamber, to be inlarged of their imprisonment.

To the right Ho. the L. Keeper of the Seale of England.

THe Suppliants in Michaelmas Terme last were sentenced for a Riot, and other misdemeanors, and A. B. the principall defendant was then also committed to the Fleet, and adiudged to pay to the Q. M. for a fine, and also to discharge the fines imposed vpon such other of the said def. then likewise sentenced and fined, as are not able to satisfie Sect. 172.

the

the same. Your L. said powre suppl. dwelling in the county of C. were brought vp by the Warden of the Fleets seruant, and are now likewise prisoners in the said prison of the Fleet for ỳ said offence, where they haue already remained by the space of a fortnight & more in great misery and want, being very powre men and very aged, and hauing nothing at all wherewith to relieue their great wants and necessitie more than the bare allowance of ỳ prison, being so small, as your powre suppl. are ready to starue for want of meat, drinke, and other necessaries, to the vtter ouerthrowing of them and their powre wiues and children, without it may please your good L. speedily to extend your commiseration and pity vpon them in setting them at libertie.

A Supplication of a prisoner in the Fleete, for misdemeanors censured in the Star-chamber to be enlarged of his imprisonment, & to haue the benefit of a generall pardon, and to be discharged of one of the fines imposed vpon him.

To the right Hon. Sir T. B. Knight, L. Keeper of the Seale of England.

In all humblenesse ỳ. O. a verie powre aged man of 70 yeares old and more, now prisoner in the Fleet, humbly beseecheth your good Lordship, That where your suppl. in the cause betweẽ A. B. and C. D. had in the Starre-chamber two seuerall fines imposed vpon him for two seuerall misdemeanours, the one a fine of 10. li. and the other a fine of 20. li. and brought out of the countie of C. by the seruant of the deputy warden of the Fleet to the prison of the Fleet, the 16. day of this instant June, being as he is informed discharged and freed from the same first fine of 10. li. & from imprisonment of his bodie by her Ma. most gratious generall pardon at the last Parliament, that it would please your good L. for Gods sake, to yeeld and allow vnto your L. said suppl. the benefit of the said generall pardon for his said first time, and also in your hon. and mercifull regard of his great powertie and misery hee now lieth in, to enlarge him of his said imprisonment, and to discharge him of the said fine of 20. li. and to set it ouer vpon the head of the said C. D. according to an order therein taken: and also to order and appoint the said C. D. to pay your said suppl. prison charges, hauing him drawn into the action by the said C. D. otherwise your Lordsh. powre suppl. is vtterly vndone for euer, and shall neuer bee able to procure his liuerỳ: but of force must perish in prison: And your said powre supplicant and his powre wife and children shal daily pray for your L. good and honorable estate in all health and happinesse long to continue.

Sect. 173.

A Supplication of a prisoner in the Fleet for a misdemeanour censured in the Star-chamber to have the benefit of a generall Pardon, and to be discharged of his imprisonment and fine, and that in respect of his very poore estate his prison charges may be payed & discharged by one A.B. by whose means the Suppliant was drawne into the action.

To the right Hon. Sir T.E. Knight, Lord Keeper of the great Seale of England.

YOur hon. verie poore suppliant Y.M. being a verie poore olde man of above 80 yeares old, and weake and sickely, now prisoner in the Fleete, humbly beseecheth your Lordship, That where your poore suppliant in a cause betweene A.M. and C.C. was fined in the Star-chamber at the sum of v. li. and brought out of C. by the Warden of the Fleetes servants to the prison of the Fleete, the 11. day of July, that he may not onely be freed and discharged of the said fine imposed upon him, but also of his said imprisonment by force and vertue of a generall pardon at the last Parliament. And that your good L. will be pleased for Gods cause to yeeld and allow unto your poore suppliant the benefit of the said Pardon for his enlargement. And further that it will please your good L. in regard of his great povertie being not able to relieve himselfe with sufficient meate and drinke, but is readie to starve with hunger for want thereof, to take such order that the said C.C. by whom your said poore suppliant hath beene drawne to commit the said misdemeanor, may pay for your said suppl. all his fees and charges of imprisonment, the which if he be not compelled by your good Lo. to doe your said poore suppl. is verie likely to remaine languishing in prison all the dayes of his life, without any hope ever to bee delivered thence. And your poore suppliant will daily pray for your good Lo. &c. Sect. 174.

The end of Bils and Answeres &c.

HItherto of Bils, Answers, Replications, Reioinders, &c. and such other things as concerne the maner of proceeding in Chancerie suits, with some new additions unto them added. Now of certaine writs and commissions issuing thence, and there also returnable.

The maner of proceeding upon a speciall Certiorari.

THe partie grieved exhibiteth his Bil, and by the same prayeth not only a special Cerciorari, but also a Subp. against the defendant to answere Sect. 175.

answere to his bill, as appeareth by the last two bils. And if the Lord Chancellor, Lord keeper, or Master of the Rols shal see good & probable matter in the bill, they vsually grant the same, taking bond of the plaintife for the proofe of the surmises of his bill, within fourtéene daies after the returne of his speciall Certiorari, which writ of Certiorari followeth in hæc verba.

Iacobus Dei gratia Angl', Scotiæ, Franciæ, & Hiberñ Rex fidei defensor &c. Maiori & Vicecom Lond' salut': Volentes certis de causis certiorari super causa captionis & detentioñ R. S. in prisoñ sub custod' vestra, vos præf. vicecom detenti, vt dicitur, vobis mandam', qd causam pd' cum omnibus eam tangentibus quocunq; nomine idem R. in causa illa censeatur, nobis in Cancellariam nostr' in quindeñ Pasc. px. futur', vbicunq; tunc fuerit, sub sigill' vestris distinctè & apertè mittat', & hoc breue: Teste &c.

And if the plaintife doe not make proofe of the surmise of his bill, as aforesaid, then vpon certificate made vnder the hands of the examiners of this Court, and notice from the plaintifes Atturney, that hee hath not examined any witnesses, either in this Court, or by Commission, then a Procedendo is granted of course. But if there be witnesses examined, then to haue their examinations referred to a Master of the Chancerie.

And if he find and so certifie, that the plaintife hath proued the substance of his bill, then the cause to be retained & ordered in this Court, if not, then a Procedend' to proceed for the remainding of the said cause.

A Corpus cum causa to remoone a Prisoner.

Sect. 176. REx &c. Maiori & Vicecom Lond' salut'. Mandamus vobis, qd R. S. quocunq; nomine censeat' captum & in prisoñ sub custod' vestr' vos præf. Vicecom detent', vt dicitur, habeatis corã nobis in Cancell' ñra tali die px. futur', vbicunq; tunc fuer', vna cum causa captionis & detentioñ ipsius R. in prisona pd'. Et hoc nullaten' omittat'. Et habeat' ibi hoc breue. Teste &c.

This writ is granted by the Lo. Chancellor, Lo. keeper, or Master of the Rolls, for the most part vpon a Bill exhibited, and good baile put into the Court for the parties apparance and forth comming, de die in diem, or further time, as the Court shall thinke fit, whereby many of her maiesties subiects are very much relieued in hard and extreame causes, lying oftentimes in prison vpon great actions surmised against thē, without iust cause, and thereby not able to put in such baile as the common law doth require in such cases.

Of

Of a writ of Diem clausit extremum.

This writ is to be sued forth by the heire of the Kings tenant in chiefe, within a yeare after the death of his Ancestor, or a commission of the same effect. And an office or inquisition being thereupon taken and returned, such heir may haue liuerie of his landes out of the Kings hands, for if the lands of such Tenant exceede that yearely value of fiue pounds, no Liuerie thereof can be sued, before such Inquisition or Office found and returned by vertue of such Writ or Commission. And such Writ or Commission may not passe but by Warrant or Bill, first signed and subscribed with the hands and names of the Master of the Wards and Liueries, the Surueyor of the Liueries, and the Atturney of the Court of Wards and Liueries, or some of them, 33.H.8.cap.22. The forme of which writ ensueth. Sect. 177.

Rex Eschaetori in Com̃ Eb. salutẽ. Quia I. qui de nobis tenuit in cap̃ Diem clausit extrem̃, vt accepimus. Tibi p̃cipim⁹, q̃ oĩa terr̃ & ten̄ta de quibus idẽ I. fuit seisitus in dom̃ suo vt de feodo in balliua tua die quo obijt, sine dilatione cap̃ in manũ nostrã, & ea saluo custodiri fac⁹ donec aliud inde p̃cipim⁹: Et per sacram̃ ꝓbor̃ & legaliũ homiñ de eadẽ balliua tua, per quos rei veritas melius sciri poterit diligenter inquiras, quantum terrarum & tenementorum pred' I. tenuit de nobis in capite, tam in dominico q̃ in seruitio, in dict̃ balliua tua dict̃ die quo obijt, & quantũ de alijs, & p̃ quod seruitium, & quantũ terr̃ & tenem̃t̃ illa valeant per annum in omnibus exitibus, & quo die idem I. obijt, & quis ꝓpinquior hæres eius sit, & cui⁹ ætatis. Et Inquisitiõ inde distinctè & apertè fact' nobis in Cancell' nr̃am sub sigillo tuo, & sigillis eorum, per quos facta fuerit, sine dilatione mittas &c. Et hoc breue. Teste &c.

But if one that holdeth of the Kings ward by Knights seruice die the Diẽ clausit &c. *must be thus:*

Rex dilecto &c. Quia I. de S. qui de hered̃ W. de O. defunct', qui de nobis tenuit in capite, infra ætatẽ, & in custodia nostra existẽt tenuit per seruic' Militar̃ Diem clausit extremum, vt accepimus, Tibi p̃cipim̃ q̃ omnia terr̃ & tenement̃ &c. per sacram̃ &c. quant̃, terrarũ & ten̄tor̃ idem I. tenuit de hæred̃ predict'. Et quis ꝓpinquior hæres eius sit &c. *vt supra.*

And if the Kings Ward, Thus:

Rex &c. Quia R. de H. filius & hæres I. de H. defuncti, qui de nobis tenuit in Capite, nuper dum infra ætatẽ & in custodia nostra fuit, Diem clausit extremum, vt accepimus, Tibi præcipimus, quod per sacramen-

cramen̄ &c. inquiras, quæ ter̄ & quæ ten̄ta, p̄ mor̄ p̄ed̄ I.H. ratione minoris ætatis her̄ p̄ed̄ I. ad manus n̄ras deuener̄, & sic in manus nostr̄ existunt, & quant̄ inde de nobis tenetur in capite, & quant̄ de alijs, & per q̄s seruitium, & quant̄ &c.

But if the wife of the Kings tenant which holdeth the dower, die, his heire being the Kings ward, then the Diem clausit extremum *must be made* thus:

Rex dilecto sibi N. de B. Maiori Ciuitatis suæ London, & Eschaet̄ suo in eadem Ciuitate salutem Quia E. quæ fuit vxor̄ I. de B. nup̄ defunct', quæ quasdam terras & quædā tenement̄ de nobis tenuit in dotem de hereditate p̄ed̄ I. Quondam viri sui, Diem clausit extremū, vt accepimus. Tibi precim⁹, qd omnia terras & tenementa, quæ eadem E. sic tenuit in dotē de hæreditate p̄ed̄ in balliua tua &c. per Sacramentū &c. diligenter inquiras, quas terras & quæ tenementa ead̄ E. sic tenuit in dotem de hæreditat̄ p̄ed̄ in balliua tua, die quo obijt, & quant̄ inde de nobis tenetur in Capite, & quant̄ de alijs, & p̄ quod seruitium &c.

If the King haue the Wardship of a reuersion, and the tenant for life die, then thus:

Quia A. quasdā terras & quædā tenem̄t de hered̄ E. consanguinei & hered̄ H. de P. defuncti, qui de rege tenuit in Capite, infra ætat̄ & in custod̄ reg. existen̄ tenuit ad termin̄ vitæ suę, Die clausit extrem̄ &c. tibi precipimus &c.

After the death of the tenant by the Curtesie, thus:

Quia A. qui quasd̄ terras & quæd̄ ten̄ta de nobis tenuit p̄ legē Angl̄ de hered̄ M. vxoris suæ dudum defunct', Diem clausit extrem̄, tibi precipimus &c.

But if the King haue a remainder, and his tenant for life dieth, then must the writ be thus:

Quia A. quæ fuit vxor &c. qui quasdam terras & quædā tenementa tenuit ad vitam suā & quæ post mortem ipsius A. nobis & hered̄ nostr̄ remanēr debent, Diem clausit extremum &c. Tibi precipimus &c. qui eadem sic tenuit & quæ post mor̄t &c. remanēr debent &c. vel sic, post mor̄t p̄ed̄ B. ad manus nostras ratione minoris ætatis pref. hæred. deuener̄ &c.

But if the temporalties of a Bish. be in the K. hands, and one that holdeth of the Bishopricke by knights ſernice dieth, the Diem clausit extrem̄ must be thus:

Rex &c. Quia A. qui de Archiepisc' Cantuar̄ vacant̄ & in manu n̄ra existen̄ tenuit per seruic' militare, Diem clausit extrem̄ &c. tibi p̄cipim⁹ &c. de quib⁹ idem A. fuit seisitus in dom̄ suo vt de feod̄ &c. & tenuit de Archiopiscopatu p̄ed̄ sine dilatione &c.

But if the Kings Ideot die, the writ must be such:

Quia B. de C. nuper fatuus & Ideota, cuius terr̃ et tenement̃ ratioñ fatuitatis eiusd̃ B. in manu nostra existunt, diem, &c. vt accepimus, tibi præcipimus, q̃ p̃ sacr̃, &c. dilig' inquiras, q̃ terr̃ & q̃ ten̄ta ratioñ fatuitatis præd' B. in manū nr̃ā capta fuerunt, & adhuc in manu nr̃a existūt, & de quo vel de quibus teneā̃tur, & p̃ q̃ seruitiū, & quant̃ terr̃ ille̅ valeant &c. et quis p̃pinquus, &c. & inquis. &c.

Datur nobis intelligi.

And if the Eſcheator receiue a Diem clauſit extrem̃, and die, or be otherwiſe remooued from his office before execution thereof, then iſſueth a writ of Datur nobis intelligi, in this forme: Sect. 178.

Rex &c. Cū nup̃ datur nobis intelligi q̃ I. de I. qui de nobis tenuit in cap', Diem clauſit extrem̃, preceperim' dilect' nobis W. de O. nup̃ Eſchaetori nr̃o in com̃ pred', q̃ omnia t̃ras & ten̄t̃ &c. *vt ſupra mutatis mutandis.* Ac idē W. ab offic' pred' iam ſit amotus, p̃ q̃ exec' br̃is noſtri præd' fieri non poteſt: Nos ſup̃ premiſſis volent̃ Certiorari, Tibi precipimus, q̃ p̃ ſacr̃ &c. diligent̃ ſuper premiſ. fac' inquiſ. & eā diſtinct̃e, &c. Teſte, &c.

Or thus:

Rex dilect' &c. Cum nuper datur nobis intelligi, qd I. de B. qui de nobis tenuit in capite, Diē clauſit extrem̃, preceperimus dilect'. & fideli nr̃o H. de B. nuper Eſchaetori nr̃o in eod̃ com̃, q̃ omnes t̃ras &c. ſine dilatione caperet in manum nr̃am &c. donec aliud ind̃ precepiſſemus, & p̃ ſacr̃ &c. inquiret, q̃ t̃r̃, &c. *vt in primo breui.* Ac idem H. anteq̃ pred̃ br̃e fuerat executū, ab officio pred' fuerat amotus: Nos volentes ſuper premiſſis plenius Certiorari, tibi præcipimus, q̃ ſuper articulis præd' & eorū ſingulis diligent̃ facias inquiſic', & eā diſtinct̃ & apperte fact. &c. *vt ſupra &c.*

But if the firſt Eſcheator execute the writ, and die before the inquiſition be returned into the Chancerie, then a Certior̃ ſhall be awarded to his executors or adminiſtrators, to certifie the ſame inquiſition, for it is a matter of Record ſo ſone as the Iurors haue found and ſealed it.

Of a Mandamus.

If the kings tenant by Knights ſeruice die, his heire within age, and no writ of Diem clauſit extrem̃ be awarded within a yeare after his death, then ſhall iſſue a Mandamus in this forme: Sect. 179.

Rex

Rex dilecto sibi W. de B. Escheatori suo in com̃ B. salutem. Præcipimus tibi, q̃ p̃ sacr̃ ꝓbor̃ & legaliũ hom̃ de balliua tua, p̃ quos, &c. diligenter̃ inquiras, quas terr̃ & q̃ tenta I. de B. tenuit de nobis in capite, tã in dnico q̃ in seruitio in balliua tua die quo obijt, et quantum de alijs, & per q̃ seruitium, & quantum terr̃ & tenta illa valeant p̃ annũ in omnibus exitibus, & quo tẽpore idem I. obijt, et quis propinquior, &c. & cuius ætatis, & quis vel qui tras & tenta illa a tempor̃ mortis p̃d occupauit vel occup̃, et exit⁹ et ꝓfic' inde p̃cepit vel p̃ceper̃, quo tit' & qualit̃ & quo modo, &c. Et inquisit̃ &c.

Sect. 180. The heire shal haue but one writ of Dié clausit extrem̃ only within a yere after his Ancestors death: But where the Auncestour died ward to the King, and within age, for then a new Diem clausit extrem̃ shall be awarded a yeare after the Infants death, and not a Mandamus *per Regist. fol.*

Of Commissions after the death of the Kings tenant.

Sect. 181. Also the heire of the kings tenant by knights seruice in chiefe, may sue forth a special commission, directed to certain persons to enquire what lands, &c. (as aboue in a Dié clausit extrem̃) which commissiõ will be as beneficiall for the heire, as a Diem clausit extrem̃: For vpon Inquisition taken by such a commission, returnable into the Chauncerie, he may haue Liuerie at his full age, but he shall neuer haue Liuery vpon a generall Commission to enquire of all Wards, &c.

Qua plura.

Sect. 182. This writ lieth when any of the heirs lands be omitted in a former office or inquisition, to find the land so omitted, and is such:

Rex Escaetori suo &c. salut̃. Quia datum est nobis intelligi q̃ A. defunct̃ qui de nobis tenuit in capite, tenuit die quo obijt plura tr̃ & tenta in com̃ p̃d, q̃ tu in inquis. inde post mort̃ præd' A. de mandat̃ nr̃ capt̃ & in Cancell̃ nr̃ retornata specific'. Tibi precipimus, q̃ p̃ sacr̃ ꝓbor̃ &c. inquiras q̃ plura tras & tenta idẽ A. tenuit in com̃ pred', die quo obijt, & de quo, vel de quibus illa plura tr̃ & tenta teneantur, & per qd seruitiũ, & quant̃ valeant per añ in omnibus exitibus. Et inquisit̃, &c.

Melius inquirendum.

Sect. 183. This writ lieth where an office found by vertue of a Diem clausit extremum or Commission is vncertaine in the tenure, value, or Tenants

tenants eſtate of the lands, or otherwiſe. But if ſuch incertaine office be found before the Eſcheator ratione officij onely, then it is void, and no Melius inquirendum ſhall thereupon be awarded. And the Melius Inquirendum is ſuch:

Rex Eſchaetori ſuo &c. Salutem. Cum p quandam inquiſitiõ coram A. Eſcheator noſtro in Com̃ p̃d de mandato noſtro captam, & in Cancellar̃ nr̃a returnat̃ ſit cõpertum, q̃ N. defunctus tenuit diuerſa terras & ten̄ta cum ptiñ in comit̃ pred̃, & propinquior hæres eiuſd̃ N. ſit ex parte patris ſui, iuratores inquiſitiõ pred̃ ignorant: tamen ex part̃ R. matris p̃d N. filiæ W. B. eſt eius hæres ꝓpinquior, & ætatis viginꝯ vnius annorum & amplius. Et quia in inquiſitione p̃d quis ꝓpinquior hæres ipſius N. exiſtat minime ſpecificatur tibi p̃cipim' q̃ per Sacram̃ &c. inquiras quis propinquior hæres p̃d N. exiſtat, qualit & quo modo, Et inquiſitionem &c. T. &c.

And this Writ is grantable vpon ſurmiſe made in the Court, that ſuch former office is ſo incertaine, as is aforeſaid.

Another Melius inquirendum poſt inquiſitionem imperfectam.

Rex Eſchaetori ſuo &c. Cum per inquiſitionẽ coram te de mandat̃ noſtr̃ &c. cõpertum ſit, q̃ A. tenuit die quo obijt vnam meſſuag' in N. in com̃ p̃d de B. p ſeruitiũ militare, quodq; idem A. tenuit die quo obijt vnũ toftũ cum ptiñ in N. in Com̃ pred̃ de hærede Fil. p ſeruitium militare, & quia in inquiſitione pred̃ qualem ſtatũ & quale ius idẽ A. habuit in meſſuagio & tofto p̃d, ſeu de quo vel de quibus ead̃ meſſuag' & toftũ teneant̃ minime ſpecificat̃: nos volentes inde p̃fat̃ plen' Certiorari, tibi p̃cipimus &c. inquiras, qualem ſtatum, & quale ius idem A. habuit in meſſuag' & tofto p̃d die quo obijt, & de quo vel quibus meſſuag' &c. toftũ p̃d teneant̃, & p q̃ ſeruitium, qualiter & quo modo. Et inquiſitionem &c. T. &c.

A Writ de Ætate probanda.

IT behoueth the heire of the Tenant in chiefe being in ward, at his full age, and before liuery, to haue a Writ to the Eſcheator of ỹ countie where he was borne, to proue his age, and it ſeemeth ỹ ſuch a writ may as well be made to the Eſcheator of the county where his land lieth, for it may be he was borne where the Kings writ runneth not: as in Ireland, Callice, Barwicke, &c. Sect. 184.

Rex dilecto ſibi I. de B. Eſcheat̃ ſuo in com. B. ſalutem. Quia A. de B. qui M. ſororem, & vnam hær̃ R. defuncti, qui de domino Edw. nuper Rege Angliæ auo noſtro tenuit in capite duxit in vxorem, dicit prefat̃ M. plenæ ætat̃ eſſe, & petit a nobis terras & tenementa, quę ſunt de hę-

reditat ipsius M. & quorum vna pars in manu nra, & alia pars in custodia I. de H. ex commissione dicti aui nostri vsq; ad legitimam ætatem hæred eiusd existunt sibi redend, per qd volumus, q eadem M. quæ apud G. in com M. nata est, & in Eccles. eiusdem villæ, baptizat fuit vt dicitur, ætatem suam probet coram te. Tibi precipimus q ad certũ diem & locũ, quos ad hoc, ꝓuideris, probationem illã per sacramentũ tam milit q proboꝝ & legaliũ hominũ de balliua tua, per quos probatio illa capi, & verita ætatis pd melius sciri poterit & inquiri, capias, & som. fac. pf. I. quod tunc sit ibi ad ostendend si quid pro se habeat vel dicere sciat quare pred H. & pred M. vt illi qui plene ætatis est si plen ætatis sit, terras & tenta pd reddere non debeamus, & probat illã sic captã nobis sub sigillo tuo, & sigillis eoꝝ per quos capta fuerit, sine dilat mittas, & hoc breue. Teste &c.

Another forme of the writ De Ætate probanda.

REx &c. Quia M. de F. fil & hær I. defuncti, qui de nobis tenuit in capite, dicit se plenæ ætatis esse, & petita nobis terr & tenta quæ sunt de hæred sua & in custod nra, vsq; ad legitim ætatẽ hæred pred sibi reddi, p q volum' q &c. vsq; ibi melius sciri poterit & inquiri, capias, & tunc sic. Et probat illam &c. *vt supra.*

But if the king commit the Wardship, the Ætate probanda must mention the same.

And if the Wardship by reason of the temporalties of a Bishopzick be in the Kings hands, the writ de Ætate probanda must mention the same: And yet that is not court in capite.

Commission pro ætate probanda.

REx dile & fid &c. Sciat assignauimus vos ad inquirend per sacrament tam Militũ quam aliorum proborum & legal' hominũ de vicinet de N. in com L. si I. fil & hæres B. apud N. natus, & in Ecclesia, ejusd villæ baptizatus fuit, & quod ratione minoris ætat suæ in custod nostr exist it, plenæ ætat sit, vt dicit, necne. Et ideo vobis mandamus, q ad certos diem & locum quos ad hoc prouideris, inquisit illam faciat, & illam distincte & aperte factam nobis in cancellar &c. sine dilation mittat, & hoc breue. Mandauimus enim Vicecom nostr Lincoln, quod ad diem & locum, quos ei scire facient venire faciat, &c. In cuius rei testimonium, &c.

And vpon this Commission a writ shall be sent to the Sherife to returne a panell before the Commissioners at a certaine day before them limited vnto him by their Precept. Thus:

A Venire facias to the Sherife vpon the same Commission.

REx Vicec' &c. Præcipimus tibi, q̃ ſummon̄ per bonos ſummonit̄ xij tam Milites, q̃ alios ꝓbos & legales homines de viſinet̄ de N. quod ſint coram dilectis & fidelibus A.B. & C. & hijs quos ſibi aſſociauerimus, ad certos diem & locum, quos ijdē A.B. & C. tibi ſcire fac', parati ſacrament̄ recognoſcere, ſi F. filius & hæres C. apud N. nat⁹, & in Eccleſia eiuſdem villæ baptiz. fuit, qui ratione minoris ætatis ſuæ in cuſtodia nr̄a exiſtit, plene ætatis ſit, vt dicit necne, & interim ad præd̄ eccleſia & villam accedant, vt veritatē ætatis p̄d̄ diligenter inquirāt & nomina eorum imbreuiari faciant. Et ſci. fa. E. & S. cuſtodibus t̄r̄ præd̄ hær̄, q̃ tunc ſint ibi ad audiend̄ illā recogn̄, & ad oſtend̄ ſi quid obſtar̄ debeat, quare præd̄ I. terras & ten̄ta ſua habere non debeat, & habeas ibi nomina illorum duodecim & hoc breue, Teſte &c.

Whereby appeareth that the committee of the L. ſhal be warned to be there. But if the L. haue the ward in his own hands, then this clauſe, Et ſcir̄ fac' E. & S. cuſtod̄ &c. ſhall be omitted in the writ.

Of homage done or reſpited.

WHen a writ of Ætate probanda is executed and returned, and that the heire hath proued his age, then he muſt do homage, or agree with the king to reſpite the ſame, and pay reliefe before liuery ſued: and a writ teſtifying homage to be done, when the heire is at full age at the death of his anceſtors.

Rex Eſchaetor̄ &c, Sciatis q̃ recepimus hom̄ L. de H. filij & hær̄ B. de H. defunct̄, de omnibus terris & ten̄mentis q̃ idem B. pater ſuus tenuit de nobis in capite die quo obijt, & ei terras & tenem̄ta illa reddidim⁹, Et ideo tibi præcip. q̃ acceptaſecuritat̄ à præfat̄ I. de rationabili releuio ſuo nobis ſoluend', ad Scaccarium nr̄um, eidem I. de omnibus t̄r̄ tenem̄tis p̄d̄, & de quibus præf. B. pater ſuus fuit ſeiſitus in dom̄ ſuo vt de feodo in balliua tua die quo obijt, q̃q; occaſion̄ mortis eiuſd' B. cap' ſunt in man̄ nr̄ā, plenā ſeiſ. hab' fac': Saluo iure cuiuſlibet, & ſalua Mat. q̃ fuit vxor B. ration̄ dote ſua, ipſā de t̄r̄ et ten̄t̄ præd̄, ſec̄ūd̄ legē & cōſuet̄ reg. nr̄i Angl̄ cōtingent̄, ei per nos aſſign̄. Teſte meipſo, &c.

But if the heire were in ward, and hath proued his age, the writ of the homage receiued, muſt be thus.

Rex &c. Quia N. de E. fil' & heres R. de C. defuncti, qui de Domino Edwardo nuper reg' Angl' auo noſtro tenuit in capite, ętatem ſuā corā

te ſufficienter probauit,ſicut per probationē de mandato noſtr̄ captū, & in Cancellar̄ noſtrā retornat̄,eſt compertum,ceperimus homagium ipſius N.de omnibus terris & tenem̄tis q̄ idem R.patet ſuus tenuit de dict' auo nr̄o in capite,die quo obijt,& ei terras & tenem̄t illa reddidimus.Ideo tibi p̄cipimus,q; eidem N.de omnibus terris & tenem̄tis p̄d̄ de quibus præd̄ R.patet ſuus fuit ſeiſitus in dominico ſuo vt de feodo in ballliua tua die q̄ obijt,& per mortem eiuſdem R. in manum dicti aui nr̄i capti fuer̄,& in manu noſtr̄ ſic capta exiſtūt,plenam ſeiſinā habere facias,ſaluo iure cuiuſlibet,Teſte &c.

Diem clauſit extremum poſt mortem felonis.

When the king hath the lands of his wife,by reaſon that her huſband was outlawed for felony, then after the huſbands death the Diem clauſit extremum is ſuch:

Quia A.cuius terr̄ & tenementa quæ ipſe tenuit de iure & hæreditat̄ N.nuper vxoris ſuæ,adhuc ſuperſtitit,ad manus domini E. nuper regis Angl̄ 4. poſt conqueſtum,occaſione cuiuſdam vtlagariæ in ipſum A.p̄ quadā felonia,vnde indictatus fuit,vt dicit, p̄mulg', deuener̄,in manu dom̄ H.&c.patris noſtri extiterunt,& ſic in manu noſtra exiſtunt diem clauſit extremum &c.Tibi præcipimus,quod per ſacrament̄ &c.inquiras q̄ ten̄t,ratione felonię p̄d̄,ad manus ipſorum nuper Reg.deuener̄, & adtunc in manu noſtra ſic exiſtunt, & de quo vel de quibus teneant̄, & per q; ſeruitium,& qualiter,& quo modo,& quantū terr̄ & ten̄ta illa valeant per annum in omnibus exitib' iuxta verum valorem eorundē, & quis vel qui terras & tenementa illa a tempore perpetrationis felonię præd̄ occupauit vel occupauerunt,& exit̄ & p̄fica inde percepit vel peroeperunt,quo titulo,qualiter,& quo modo,& inquiſit̄,&c.

Nihil ſimul & natum,& perfectum.

WIL. WEST.

An-

An addition of ſome Engliſh Pleadings to to be practiſed, and in vſe for cauſes determinable in the K. Maieſties moſt honorable Court of *Exchequer*.

An Information againſt Intruders into the Kings lands vnlawfully.

To the right ho. Sir I. C. Knight, Chancellor of his Maieſties Court of Exchequer, Sir L. T. Knight, Lo. chiefe Baron of the ſame Court, and to the reſt of the Barons there.

SHeweth and informeth your lordſhips Sir F. B. knight Attorny generall of our ſoueraign Lord K. Iames, that wheras his Maieſtie is ſeiſed in fée in right of his highneſſe Crowne of England, of and in fiue acres of land, arable and paſture, in the tenure of H. C. & of & in two acres of land arable & paſture, in the tenure of T. B. & of and in two acres of paſture land lying in Popes ſtréet in the tenure of E. K. abutting vpon the lands of our ſoueraigne lord the K. Maieſtie, on the North: all which were late the lands and poſſeſſions of one H. K. deceaſed. And alſo of and in a meſſuage or tenement, with the appurtenances, and a parcell of land, Meadow, or paſture, lying at Popes ſtréete aforeſaid, in the pariſh of Eltham, in the tenure of the aforeſayd E. K. which ſaid premiſſes laſt recited were ſometimes the lands and poſſeſſions of one I. C. late of Eltham deceaſed: And one meſſuage with the appurtenances, lying in the towne of Eltham aforeſayd, in the tenure of W. S. ſometimes the lands and poſſeſſions of I. P. alſo deceaſed. All which foreſaid premiſſes, with their appurtenances, are ſcituate within the Countie of Kent. And of and in a parcell of ground containing two acres or thereabouts, lying in Lambeth in the County of Surrey, vpon which ground a great barne called the Tyth Barne of Lambeth ſtandeth, which ſaid paſture ground extendeth from a great gate ſcituate in Lambeth Marſh, lying in the North eaſt end and ſo towards the South, and to the common Sewer next adioyning to the Orchard of the Lord Archbiſhop of Canterburie his Grace, in the tenure of T. W. Wintner, or his aſſignes, Neuertheleſſe the ſayd E. K. W. S. & C. W. without title reſpectiuely, haue vnlawfully intruded, entred Sect. 1.

entred into and vpon the forsaid messuages, and other the premisses, that is to say, the said E.R. hath entred into the lands and tenements aforesaid, being in her owne tenure, and in the tenures of the said H.C. I.C. and L.B. in Eltham aforesaid, and the said W.S. and C.W. hath entred into the lands & tenements in their own seuerall tenures aforesaid and the issues and profits thereof yerely comming and renewing, from the first day of Aprill in the said first yeare of the said Kings Ma. that now is, vntill the day of the date of exhibiting of this Information, haue and doe receiue and take to their owne proper vses & behooues, or to the vse or behoofe of some of them, and yet doth, without any thing paying yearely to his Ma. for the same, to the disherison of his Maiesty in the premisses: wherefore his Maiesties said Attorney generall praieth the consideration of this Court in the premisses, and that the saide Elizabeth R. Wil.S. and C.W. may answer the premisses, & to shew by what right or title they hold the same, and for that purpose to award his Ma. gratious Writ of Subpœna vnto them, and either of them for to be directed, commaunding them and either of them to bee and to appeare before your L. in his Ma. high Court of Exchequer Chamber, then and there for to answere and be ordred in the premisses, &c.

An Information against disturbers, wasters, and spoilers of the Kings game, within one of his Maiesties Parkes.

Sect. 2. SHeweth and informeth your honors Sir H.Y. knight and Baronet his highnesse Attorney generall, That whereas his Maiestie is lawfully seised in his demesne as of fee, in the right of his Crowne of England, of, and one Parke called Yaughton Parke, and the Lodge there, within the countie of Bedford, as parcell & member of his highnesse honor of Amptill in the said countie of Bedford: and that his said Maiestie, and all his progenitors Kings and Queenes of this his realm of England, and their assignes, haue continually held and enioyed the same Parke and game of fallow Deere, and the game of Conies, and all woods, vnderwoods, profits, and commodities whatsoeuer, comming or arising of or in the said Parke and Lodge, without any disturbance title or claime made, or pretended thereunto by any person, vntill about some foure moneths last past one G.C. gent. and E. his wife, G.C. gentleman, T.C. gentleman, T.L. T.Y. I.D. W.S. T.P. H.C. and diuers others yet vnknowne, to the number of twentie persons, haue confederated and combyned themselues together, to make spoyle and hauocke of his highnesse said game of Deere and Conies there being within the said Parke, and to wast, cut, digge vp, spoile, and carrie away his Maiesties trees, and woods, vnderwoods, growing and being within the said Parke, without any right or title, and haue sold, taken,

and

and carried away the hay which was prouided for the maintenaunce of the Déere this Winter season, to the great losse and preiudice of his Maiestie, and to the vtter destruction and spoyle of his Highnesse sayde game of Déere and Conies, woods, vnderwoods, mounds, and fences of the said Parke, if present remoue may not be had of the sayd disordered and vnruly persons, and euerie of them, And for that many of the sayd spoiles are done secretly, and in the night season, so that there can be no direct proofe to proue the same, and so the same cannot be discouered, vnlesse by their oathes they shall declare the truth. May it therfore please your good honors to grant his Maiest. most gratious writ of Subpœn̄, to be directed vnto them and euerie of them, therby commanding them and euery of them, at some day, vnder seme paine therein to be limited, personally to appeare before your honors in his Maiesties said Court of Exchequer chamber, then and there to answer the premisses, and to set downe vpon their oathes what estate they or any of them claime in the same Parke and Lodge, and by what colour of title they haue intruded into the same, and what Conies they or any of them haue killed in the same Parke within foure moneths now last past, and by what warrant, and by whose meanes, persuasion, and procurement, and what trees, woods, or vnder woods they or any of them haue felled, lopped, rut or carried away in the said Parke within the time aforesaid, & by what warrant, title, or colour of title, and what hay prouided for the Déere there, they or any of them haue sould or carried away. And withall, to grant his Ma. most gratious writ of Iniunction, thereby commanding them & euery of thē, not only to forbeare all further outrages, hauocks, & spoiles in ẏ said Parke, but withall to leaue the quiet possession vnto such as it shall please his Ma. to appoint keepers and ouerseers of ẏ said park, & further to stand to such order concerning ẏ premisses, as to your honors vpon the hearing of the cause shall seeme méete.

A Bill exhibited by a Collector against two persons that confederated to defraud the plaintife, &c.

To the right hon. T. Earle of Suffolke, L. high Treasuror, &c.

HVmbly compl. sheweth vnto your good Lo. your daily orators G. S. of Cawston in the countie of Norff. gent. collector of ẏ rents of our soueraign Lo. the K. Ma. belonging to the late dissolued Monasterie of Horsham Saint Faithes in the Countie of Norffolke, and E. S. his sonne, one of the Clerkes of W. Y. Esquire, one of the Auditors of his Maiesties Exchequer, That whereas one R. Y. late of Palgraue in the countie of Suff. publique notarie deceased, did in his life time vsually lend and let out monie at interest, and did oftentimes take bonds & assurances for his mony to & in the names of other men, whose Sect. 3.

names he vsed sometimes without their priuitie or knowledge, and sometimes with their priuitie and knowledge. But yet neuertheless although the bonds and assurances were taken to and in their names, yet their names were vsed in trust by the said R. Y. and the Bonds aforesaid, and the debts therein contained were the debts of the said R. Y. in equitie, and to him due and belonging: And whereas the said G. S. and E. S. did borrow of the said R. Y. the summe of foure score pounds, and for the paiment thereof your Orators entred into seuerall bonds to one A. S. seruant of the said R. Y. and the bonds aforesaid remained in the custodie or command of the said R. Y. and your Orators paid to the said R. all the said summe of fourescore pounds except xx li. therof, and the said R. deliuered vp to your Orators all the said bonds except one, to be cancelled and made void, and your Orator G. beeing cosin to the said R. Y. he the said R. did often tell your said Orator, that he meant to make your Orator one of his Executors, and that hee meant to bestow much vpon your Orator, by reason whereof your Orator did not pay the said twentie pounds, nor the said R. Y. neuer demanded the same, he purposing as your Orators verily thinke, to bestow the said twentie pounds, and much more, vpon your said Orator. And the said R. Y. made diuers Wills, in which wills he gaue your Orators and either of them diuers Legacies, and thereof made your Orator G. his executor, and about May one thousand fiue hundred and thirteene the said R. Y. died. But now so it is, may it please your good Lordships, That one W. B. of Wingfield in the Countie of Suff. hauing gotten into his hands and custodie the said Willes and bonds, and other goods and chattels of the said Y. hee the sayd W. B. pretendeth, and giueth out in speeches, that the said R. Y. before his death made a latter will, and that he made him the said B. his executor, and that the said Y. began the same will, and that, that he the said B. did finish the same, whereas in truth the said pretended Will was not finished in the life time of the said R. Y. but if euer the same was finished and ended, it was done after the death of the said R. Y. And hee the said R. Y. appointed diuers legacies to be giuen to your Orators, which are wholly omitted out of the said last pretended will. But the said W. B. giueth out in speeches, that the said R. Y. appointed him by word to deliuer vp the said Bond to your Orator to bee cancelled and made void. And the said W. B. and A. S. although they know all the premisses to be true, and they both well know that the saide twentie pounds was in equitie due to the said R. and was his proper debt, and not a debt due to the said A. And that the said R. Y. did so accompt the same, and did make a note in writing, in which all or the most of

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his debts were contained, and in the note aforesayde, the sayd debt of your said Orators is contained: and although the said R. H. gaue the said A. lands worth thirtie pounds by the yeare, and a Legacie of one hundred pounds, yet he did not giue him the said debt due by your said Orators, nor did purpose that he should haue the same. And the said W. B. and A. S. although they know all the premisses to be true, yet neuertheless they the said W. B. and A. S. by combination and confederacie betweene them, doe practise and goe about not onely to defraud your Orator G. of his Executorship, and both your Orators of all the legacies and things to your Orators appointed to bee giuen and deliuered, as aforesaid, but also to charge your Orators with the said debt of twentie pounds, and with the penaltie of the Bond aforesayd: And to that purpose, by and vpon the combination aforesayde, they the sayd W. B. and A. S. threaten to commence and prosecute suit against your Orators vpon the Bond aforesaid, and to recouer the penaltie thereof against your Orators, contrarie to all right and equitie. And hee the said W. B. hath wholly omitted out of the saide pretended Will and Testament by him finished as aforesaid, all the legacies and things aforesaid, appointed by the said R. H. to be giuen and deliuered to your Orators: And hauing been by your said Orators oftentimes required to deliuer him the willes, wherein your orator G. was named Executor: And also let your orators know what legacies and things the said R. did appoint to be put into his said Will for your said orators, and what things he appointed the saide W. B. or any other, to giue or deliuer to your said orators. Yet so to doe he the said W. B. hath denied and refused, and doth denie and refuse: And although your orators haue oftentimes desired the said W. B. and A. S. to deliuer vp the bond aforesaid, to your said orators to bee cancelled and made void: yet so to doe they the said W. B. and A. S. and either of them haue denied and refused, and yet doe denie and refuse, contrarie to all right, equitie, and good conscience. In tender consideration whereof, and for as much as your orators haue no sufficient matter at the Common Law to plead in barre of any action, to be commenced or prosecuted at the Common law, vpon the said obligation, but are altogether remedilesse herin by the strict course of the Common Law, and for as much as your orators cannot certainly know, what legacies and things were giuen to your said orators by the said R. H. nor what things he appointed the said executor to giue or deliuer to your sayd orators, but hopeth that the said W. B. will declare the truth thereof vpon his oath. May it therefore please your good Lo. the premisses considered, to grant to your orators the Kings Maiesties most gratious writ of Subpœna, to be directed to the said W. B. and A. S. commanding

manding them and euery of them thereby at a certain day, and vnder a certaine paine therein to be limitted, personally to be and appeare before your L. in his Maiesties high court of Exchequer Chamber, thē & there to answer the premisses, And to stand to and abide such further order and direction therein, as to your L. shall seeme to stand with equity and good conscience. And your Orators shall daily pray, &c.

A bill preferred by the Kings Patentee, beeing tenant for life of certaine Offices and fees against two persons that would frustrate the kings Letters patents thereof made, to the preiudice of the Kings title, &c.

To the right hon. Sir I. C. Knight, &c.

Sect. 4.

COmplaining sheweth vnto your honors your daily orators T. L. Esquire, one of the Gentl. of his Ma. priuie chamber, and I. Y. of Gent. That whereas his Ma. that now is, and others his highnesse predecessors, kings and Qu. of this his Ma. realm of England haue bin seised to them, their heires, and successors, as of fee & right, as in ỳ right of his Ma. crowne of Engl. of, in, and vpon the office of his Ma. castle of S. within the countie of Y. and also of, in, and vpon the office and offices of the porter and keper of the gate of the said castle, and of, in, and vpō the offices of keper of his Ma. garden and orchard belonging to the said castle, and of, in, and vpon the office and offices of bailife of S. in G. within the said county, and of, in, and vpon the office and offices of Clerke of his Ma. seuerall courts of S. and S. aforesaid, and of, in, and vpon the seuerall fees, wages, and allowances to the said offices respectiuely seuerally belonging, and of, in, and vpon a certaine parcel of groūd in S. aforesaid, called the C. G. & of, in, & vpon a certain parcel of land lately inclosed within the walles of the said Castle, all which sayd premisses were sometimes parcell of the possessions of his Maiesties Duchie of Yorke. And his said Maiestie being seised of the said Offices, and of, in, and vpon all and singuler the premisses, as aforesaid, by his Highnesse Letters patents bearing date at Westminst. the eight day of November, which was in the eleuenth yeare of his said highnesse raigne, amongst other things, for the consideration therein mentioned, of his especiall grace, certaine knowledge, and meere good will, for his sayde highnesse his heires, and successours, did giue and grant vnto your said orators the said office of Constable of his Maiesties saide Castle of Sheriffehutton, and also the said office and offices of Porter, and keper of the gate of the said Castle. And also the said office and offices of Keeper of his Maiesties Garden and Orchard belonging to the sayde Castle. And also the said office and offices of bailife of Sutton in Gal-

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tres aforesaide: And also the Office and Offices of Clerke of his Maiesties seuerall Courts of Sheriffehutton and Sutton aforesaide. And also the seuerall fees, wages, and allowances to the saide Offices seuerally and respectiuely belonging, together with the said two seuerall parcels of land, and with all and singular their appurtenances. And also by the said letters patẽts, hath made, constituted & appointed your said orators Constable of his Ma. said castle of S. and also porter and keeper of the gate of the said castle, and also keeper of his Y. said garden and orchard, and also Bailife of S. in G. aforesaid, and Clerke of his Ma. seuerall courts of S. and S. aforesaid, to doe, performe, fulfill, and execute al & euery thing and things touching and concerning the said seuerall offices or any of them. To haue, inioy, exercise, and occupy the said offices and either of them with their appurtenances, and all & singuler other the recited premisses to your said orators, & either of them, aswell by him or thẽselues, as his or their sufficient deputy or deputies, during the lines naturall of them your said orators and either of them. And moreouer his said Y. of his more ample grace & certaine knowledge, and of his meere good will hath giuen & granted for himselfe his heires and successors to your said orators & either of thẽ for the said offices, exercising & occupying certain wages & fees by the yere, yerely to be receiued & taken forth of the illues, rents, farmes, reuenues & profits of his Ma. said Lo. of S. aforesaid from time to time cõming, increasing or arising by the hands of his said Ma. generall receiuer of the county of Y. aforesaid for the time being, at the feast of S. Y. the Arch. & the Annunciatiõ of our blessed virgin M. to be payd during the lines natural of your said orators & the longer liuer of them together wth all other the wages fees allowances, liueries, diets, profits, cõmodities, aduãtages, authorities libeties, places & preheminences whatsoeuer to the said seuerall offices of right due accustomed, belonging, or appertaining, or heretofore perteined or had by any person or persons whatsoeuer by reason of thẽ or any of thẽ. And further his said Ma. by his highnes said letters did for himself, his heires, & succes. giue and graunt to your said orators & their assignes & either of thẽ all & singular the amerciam'ts, fines, perquisits profits & estreats of the courts of viewes of frankepledge, together wth all & singular cattels, waiues, estraies, felons & fugitiues goods, arising, chancing, or happning within ỳ manor or Lo. of S. aforesaid. By vertue whereof your said orators entred into ỳ said offices & other ỳ premisses and were thereof seised in their demesne as of freehold, viz. of the saide lands and grounds in their demesne as of freehold, and of the saide seuerall offices respectiuely as of freehold right, and had and exercised the said seuerall offices by themselues or their sufficient deputie or deputies. But now so it is if may please your good honors, ỳ one Sir I. W.

of

of Sutton aforesaid knight, W. B. of A. within the Countie aforesaid, Esquire, T. W. of Sheriffhutton aforesaid, Gent. I. of A. aforesaid, yeoman, and of Sutton aforesaid, yeoman, vpon purpose as it seemeth not only to frustrate the saide Letters patents, but also to prejudice and ouerthrow his Maiestie in his said inheritance, haue of late, viz. vpon the fire and twentieth, seuen and twentieth, eight and twentieth, nine and twentieth, and thirtieth dayes of Aprill now last past, and vpon the first day of this instant moneth of May entred into, vsed, and exercised the said Offices of Constable of his Maiesties said Castle, and the said office of Porter or Keeper of the said gate, and the said offices of Bailife of Sutton aforesaid, and the said Office and offices of Clerke of his Maiesties said seuerall Courts, and had, receiued, and taken the seuerall fees, wages, and allowances thereunto seuerally and respectiuely belonging as aforesaid. And they or some of them haue seised vpon or gotten into their or some of their hands, custody, or possession, the Court Rols, Court bookes, and other the Records and copies of the Rols of the said Court and Courts, purposing to suppresse and conceale them from your said Orators, by reason whereof his saide Maiestie is greatly indangered to be disinherited, & your said Orators Letters patents annihilated: and the said Sir I. W. knight, W. B. T. W. I. and being not herewith contented to vse and exercise the said seuerall fees and allowances thereunto belonging and appertaining, and will by no meanes permit or suffer your said Orators, or either of them, their, or either of their sufficient Deputie or Deputies, to haue, vse, and enioy the said seuerall Offices, or any of them according to the purport, true meaning, and intent of the said Letters patents, but giue forth in speeches, that your Orators, or either of them haue not any right in, or to the said seuerall Offices, or any of them, but that they or some of them haue good right and title therein, and that they or some of them will vse and exercise the said Offices, and take the seuerall fees and allowances therewith accustomed. In tender consideration whereof, the premisses considered, May it therefore please your good honors, to grant vnto your said Orator, his Maiesties most gracious Writ, of Subpœna to be directed to the said Sir I. W. knight, W. B. Esquire, T. W. I. and and euery of them, commanding them and euerie of them thereby at a certaine day, and vnder a certaine paine therein to be limitted, to be and personally appeare before your good honors in his highnelle Court of Exchequer Chamber, then and there to answere the premisses.

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An Answer to a Bill of Complaint, that the Defendant doth not wrongfully keepe the Plaintife out of possession, reciting the customes of Copiholders belonging to a mannor within the Countie of the Citie of Glouceſter.

ALl aduantage of exception to the vncertaintie and insufficiencie of the said Bill of complaint to this Defendant being now and at all times hereafter saued, she this said def. for answer vnto such and so many of the matters in the said Bill contained, as doe and may concerne this def. to be by her answered vnto, saith, that she thinketh it to be true that the lands and tenements in the bill mentioned now in the tenure or occupation of this def. are, and by all the time whereof the memorie of man is not to the contrarie, haue been Copihold lands, parcell of the manors of Upton, S. Leonards in the countie of the citie of Glouc. and demised and demisible by copie of Court Roll of the said manor, according to the custome of the same manor, and that by and according to the custome of the said Manor, by all the time aforesaid vsed and approoued within the same manor, the wife of euerie Copyholder dying seised of any Copyhold lands or tenements, parcell of the said Manor hath had and enioyed, and ought to haue and enioy the same lands and Tenements whereof her husband died seised, for and during her widowhood, and that by the same custome when any lands or tenements parcell of the said manors haue been granted by copie of Court Roll of the said manor to diuers persons, the person first named in the said copie hath had and ought to haue and enioy the same during his life. And this def. further saith, that shee doth thinke it to bee true, that E. Lord Chandos deceased was in his life time lawfully possessed of ẏ said manor of S. Saint L. for diuers yeares then to come, and vnexpired. And that hee the said Ld. E. so being possessed thereof, in or about the second yeare of the raigne of our late soueraign Ladie Qu. Eliz. at a court holden at and for the said manor by his then Steward of the said manor, did by copy of court roll of the said manor grant the premisses to Wl. Wl. deceased, this defendants late husband, and I. Wl. his sonne for their lives successiuely at the will of the Lord, according to the custome of the said manor, and that the said Wl. was then admitted Tenant of the premisses accordingly, and that by vertue thereof the said Wl. Wl. was seised of the premisses in his demesne as of freehold for the terme of his life at the will of the Lord, according to the custome of the sayd Manor, And that the said Will. Wl. so being thereof seised about fourteene yeares last past, did marrie and take to wife this Defendant, And afterwards about fiue yeares last past the sayd William

Sect. 3.

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died so seised of the premisses, by and after whose decease this Def. into the premisses entred, and held her selfe, and yet doth hold her selfe in the same, according to the custome of the said manor, and hath taken & doth take the issues and profits of the premisses, as lawfull it was and is for her to doe as she taketh it, without that, that to this Def. knowledge ỹ premisses, or any part therof, are, or is, or euer were or was parcel of the manno of Barton Abbots in the bill mentioned, or that this Def. doth vniustly hold or kéep the possession of any lands or tenements from the Compl. as in and by the said bill is supposed. And this Def. denieth that she hath or euer had any Charter, deed, Lease, euidence, booke, account, Court roll, rental, terrer, or muniment touching the said manor of Barton Abbots, or any part thereof.

An Answer of three defendants supposed by the plaintifes bill to haue no lawfull title to the lands mentioned in the bill: which answer was taken by commissioners and returned.

Sect. 6. The said Def. sauing to themselues now and at all times hereafter al benefit and aduantage of exception to the incertaintie and insufficiencie of the compl. said bil of compl. for answer thereunto they iointly and seuerally answer and say, That before the making of the supposed lease in the bil mentioned, our late soueraign lady of famous memorie Q. Eliz. was in her life time seised in her highnesse demesne as of fée, in the right of her late highnesse Crowne of England, of and vpon all that her highnes part of two parts in fiue parts diuided, of the herbage and pannage of the parks and premisses in the bill mentioned. And being therof so seised before the time in the bill mentioned, did by her late highnes letters patents vnder the great S. of Eng. demise the same vnto these def, by the name or names of all ỹ her late highnes part of two parts in fiue parts diuided, of the herbage and pannage of all these three parks at R. in the Bish. of D. called the East park, the middle park, and the West park. And also all ỹ part of 2 parts of 5 parts diuided of one close called horse close, alias the Crows in the said county of D. And also all that part of two parts in fiue parts diuided, of one grange or farm called the high wood of L. in the Bish. of D. All which premisses, w̃ their and euerie of their appurtenances, then or lately before were in the tenure or occupation of J. D. Gent. or his assignes, and parcell of the possessions of C. late Earle of W. attainted of high treason. And all houses, edifices, buildings, barnes, stables, doue coats, yards, orchards, gardens, lands, medows, feedings, pastures, cõmons, & al other profits, cõmodities, aduantages, & emoluments whatsoeuer to the said before demised premisses, or to any part or parcell thereof in any wise belonging

or

or appertaining, or with the same or any part or parcell therof (vnder ỹ seuerall rents by ỹ said letters patẽts reserued) had, knowen, accepted, vsed, occupyed & inioyed, with all & singular the appurtenances whatsoeuer (excepting alwaies & reserving to her late M. her heirs & succ. all timber trées, woods, vnderwoods, mines, & quaries in the said premisses. To haue & to hold to the said M. D. the one of these def. & her assignes from the making of ỹ said letters patents for the terme of her life, & after the death surrender or forf. of ỹ said M. D. then the said premisses to remain to ỹ said A. D. another of these def. & to his assigns for terme of his life. And after the death, surrender, or forf. of both the said M. D. & A. D. thẽ the said premisses (except before excepted) wholly to remain to the said K. D. & her assigns for the terme of her natural life. Yelding therefore yerely to her late highnesse, her heires & successors for the said part of the said 3 parkes called the east parke, middle parke, & west parke with the appurtenances 4. li. 9. s. 3. d. ob, and for the said part of the said close called the horseclose, alias the Groues with the appurtenances 3. s. 4. d. And for the part of the said Grange or Farme called the high wood of L. with the appurtenances 22. s. of lawfull English money at the Feasts of the blessed virgin Mary, and S. Mich. the archangel by euen and equal portions yearely during the seuerall termes aforesaid, to her late highnesse her heirs and successors receiuer of the exchequer, or to the hands of the Bailife or receiuer of the premisses for the time being, and after the decease of the said M. A. and K. dying tenants in possession of the said premisses, then yelding and paying to her late highnes, her heires and successors 3. li. of lawful mony of England in the name of a hariot of them wch shal so die, as by the said letters patents to which reference be had it both and may more plainly and at large appeare. And these def. further say ỹ by vertue of the same letters patents, the said M. the one of these def. together with her husband entred into the saide premisses demised, and she and her husband whilest he liued, and her selfe euer since inioyed the same, and payed the said rent reserued by the said Letters patents to her late Ma. dse, and to the Kings most excellent Ma. that now is since her late highnesse death. Wherefore these defendants humbly pray the Order of this honorable Court, for the quiet possession of the sayd premisses, against the complainant, hauing heretofore so many waies vexed this defendant M. and the said I. D. her late husband deceased about the same without any iust cause or colour of right, as shé verily thinketh, but of purpose as they these defendant verily think to wearie them with continuall suits, the complainant being a man of great might and riches, and these defendants of farre meaner abilitie. And these defendants further say, that there haue bene seuerall suits in this honorable court, stirred vp by the complainant or by his means as they

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thinke touching the title of the said lease, and the same could neuer be impeached. For which cause these def. humbly pray the consideration of this honorable court for their quiet possession of the said premisses, and to be dismissed out of this hon. Court with their costs and charges herein wrongfully had & sustained, without that the said late Q. of famous memorie Qu. Eliz. euer made any lease to the compl. of the premisses, in the Bill which is good in law, as these def. verily thinke and are persuaded, Or that the Compl. is by force thereof seised and interessed in the same, or ought to haue and inioy the possessiō of the said premisses, as in the bill is alleaged: or that these def. haue no right to the said premisses, as in the bil is alleaged. Or ẏ the compl. hath hitherto wel & truly paid the said yerely rent reserued by his pretended grant for the said premisses to these def. knowledge. Or that the same is any thing materiall to these def. Or that any other matter, article, or thing in the said bill of compl. contained materiall or effectual in the Law to be answered vnto, and herein not sufficiently answered vnto, confessed, and auoided, or otherwise trauersed or denied is or bēn true. All which matters these def. are and be willing and readie to auer and prowe as this Hon. court shall award, and humbly prayeth as before they haue prayed.

An Answer of an Vnder Sherife to a Bill exhibited against him and others, for corruption and deceitfull dealing in his Office.

Sect. 7.

ALl aduantages of exception to the incertaintie and insufficiency of the said bill of complaint, and to the person of the said T. I. the Pl. a man notoriously knowne for his turbulent spirit, who by the space of many yeares hath peffered and vexed many persons with many vniust suits and troubles, and who by his owne shewing in his said bill was a competitor and confederat with the said W. T. and B. to couer the corruption which he laith to the charge of the said T. and to defraud the B. Ma. of the said 20 li. mentioned in the said bill, if his Highnesse had any right thereunto, as the said compl. in his said bill pretendeth he had, but rather to defraud the said Bish. of B. wherin the pl. hauing a purpose by obtaining the said T. acquitance out of the hands of the said B. & C. to take vp & get into his own hands and possession from the said T. ẏ foresaid 9 li. mentioned in ẏ same acquitance. It is very like he meant therupō to cōuert it to his owne vse making little care of his said bond, so he might haue gotte ẏ 9 l. into his possessiō, & now he lieth in prisō by proces awarded against him vpō his said bond, for ẏ he hath neither paid ẏ said

nine

nine pounds, nor receyued the said acquitance, as this defendant is credibly informed. He this defendant, for answere to so much of the said Bill as concerneth this defendant saith, That true it is that this defendant was vndersheriffe to the said Sir I. P. in the fift yeare of the Kings Maiesties raigne, and did execute the same office vnder the said Sir I. P. during his said office of high Sheriffe. But this defendant saith, that such processe as issued out of this Court, and the Pipe office, vnder the titles and names of Graneware, Summons of the Pipe, & de firmis, & de debitis recusantium, & estreats and gathering vp for leuying of fines, forfeitures, issues, amerciaments, debts, & such like leuiable by such Chequer proces, as aforesaid within the said countie of Somerset, directed to the late Sherifs, were by him or by his appointment, deliuered ouer to the said W. T. a man of good credit and well acquainted in those seruices, vnto whom the said Sir I. P. had giuen warrant for the due executing of the same processes & estreats: the same T. hauing giuen good securitie by bond to ỳ said sir I. P. for the due collecting and leuying of all the particular sums giuen in charge vpon the said proces and estreats, which should be leuied by him. As also for the making and passing of a true & perfect account in this honorable court, concerning the same. And that which concerned other matters and processe out of this hon. Court, directed to the said late Sherife, which came to the hands of this defendant, he this def. did execute and returne the same to the good satisfaction of the said court, and of the officers and ministers therof, whom or whose offices the same concerned. And this def. confesseth, that this defendant and the said T. at the day prefixed as ministers of the said Sherif, for him and in his behalfe, were sworne in this honorable Court, to make vnto his Maiestie a true and iust account of the issues of the saide Sherifewicke of the saide sir I. P. which this defendant did accordingly, for al such receits and matters of account answerable in this hon. court, as passed through his hands or dealings. But for the matters concerning the said Recognisances, and other debts and matters of that name and qualitie, committed to the said W. T. the same W. T. vpon his saide oath did yeeld account for those, in such sort as in the record of the said account appeareth: which account, for any thing this defendant knoweth to the contrarie, was & is true and iust. And if it were not, yet is not this def. to be troubled or called into question for the same, for hee vtterly denieth that hee was or is guiltie of any purpose of concealement of the said twentie pounds, or of the nichilling of any of the said sums mentioned in the saide Bill of Complaint, or of any of the confederacies, abetments, concealements, contempts, frauds, deceipts, or corruptions, wherewith he is charged

in the ſaid bill of compl. as in the ſame bill is ſurmiſed. And as to the ſetting ouer of the ſaid ſums of twentie pounds vnto the ſaid R.C. bailife of the ſaid Biſhop of Bath and Welles, this defendant thereunto ſaith, that the ſame was not done by him, nor by any means of his, but he ſaith, that the ſame was done vpon true, iuſt, and lawfull cauſe, and that the ſame belonged to the ſaid Biſhop. And without that, that any other matter or thing materiall or effectuall for this def. to anſwere vnto, and not herein confeſſed or auoided, or not denied, is true. All which this def. is ready to auerre and proue, and prayeth to be diſmiſſed with his coſts.

An Anſwere to a bill wherein the Plaintife ſuggeſteth, that the Defendant oweth ſervice to the Plaintifes Mill.

The Anſwer of T.B. one of the Defendants, to the Bill of complaint of W.B. and S.B. Complainants.

Sect. 8. The ſaid def. all aduantage of exception to the incertaintie & inſufficiencie of the ſaid bil of complaint to this def. now and at all times hereafter ſaued, for anſwer thereunto ſaith, That true it is, that the K. Maieſtie was ſeiſed in this demeſne, as of fee, of, & in one water corne mill in Kirkoſwold aforeſaid, and likewiſe of and in the manor of Kirkoſwold, with a court Baron of common right belonging to the ſame, to bee holden from three weekes to three weekes before the Steward there: at which Court ſo to be holden, it hath beene vſed and accuſtomed, time whereof, memorie of man is not to the contrarie, that the homage of the ſaid Court did make, conſtitute, and ordaine Bylawes and Ordinances for ỹ common good of the tenants and inhabitants of the ſaid manor. The Kings Maieſtie ſo being ſeiſed, by his highneſſe letters patents, bearing date at Weſtminſter the fiue and twentieth day of June, in the eight yeare of his Maieſties raigne of England, did demiſe and grant the ſaid manor and court Baron, with other the appurtenances (onely excepted and forepriſed the Parke and Mill of Kirkoſwold aforeſaid) vnto I.E. and W.W. of London Eſquires, for threeſcore yeares immediately from the date of the ſaid Letters Patents, yeelding and paying therefore yearely, during the ſaid terme, the rent of nine pounds, two ſhillings eight pence. By force of which Letters Patents, the ſaid I.E. and W.W. of the ſaid manor and premiſes, were poſſeſſed for the terme aforeſaid. And ſo being poſſeſſed did by their deed indented, bearing date the ſeuen and twentieth of June, in

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the eight yeare of his Maieſties raigne, grant and aſſigne vnto this Defendant the ſaid Letters Patents, and all their intereſt and terme of yeares which they then had in the ſaid Manno⁹ and p⁹emiſſes. By fo⁹ce of which grant and aſſignement this Defendant entred into the ſaid Manno⁹, and now is poſſeſſed thereof, fo⁹ the terme afo⁹eſayd, and doth dayly pay to the Kings Maieſtie, the ſaid yearely rent of nine pounds, two ſhillings, eight pence, reſerued vpon the ſaid Leaſe. And this defendant further ſaith, that the Kings Maieſtie that now is, being likewiſe ſeiſed in his demeane as of fee, of, and in, one fulling Mill within the ſaid Manno⁹ of Kirkoſwold, did grant the ſame by his Letters Patents, vnto E. F. and F. P. and their heires, rendering yearely fiue ſhillings eight pence vnto the Kings Maieſtie, and his ſucceſſours. By fo⁹ce whereof they the ſaid E. F. and F. P. were of the ſaid Mylne ſeiſed in fee, and ſo being ſeiſed by their Indenture dated the ſeuen and twentieth of May, in the tenth yeare of his highneſſe raigne, and inrolled in his highneſſe Court of Chanceri⁹, did bargaine and ſell the ſayd Mylne vnto this Defendant and his heires. By fo⁹ce whereof this defendant entred into the ſaid Mylne, and is thereof now ſeiſed in his demeſne as of fee, and fo⁹ diuers yeares laſt paſt, this Defendaunt hath duly paid to the Kings Maieſtie the ſaid rent o⁹ fee Farme of fiue ſhillings eight pence fo⁹ the ſaid Mylne. And yet this defendant in al that time hath receiued no p⁹ofit o⁹ commoditie there by the ſame, bee ruinous and greatly in decay. And likewiſe diuers other Mylnes of the like nature, hauing bin newly builded and erected neere vnto the ſame, ſo that verie little wo⁹ke o⁹ ſacking come o⁹ will come to the ſaid Mill. And whereas the Complainants in their ſaide Bill of Complaint doe alleage, That this defendant and others in the Bill named, doe intend and goe about to erect and build another Mylne in Kirkoſwold, in the p⁹eiudice of the Complaynants mylne: This Defendant anſwereth and ſaith, That true it is, that he doth intend and purpoſe (as hee hopeth he lawfully may) to re-edifie and build anew the ſayd decayed fulling mylne. And likewiſe he muſt confeſſe, that he hath giuen fo⁹th ſome ſpeeches, That towards the charge thereof he would adioine and anner a p⁹iuate Co⁹ne mylne thereunto fo⁹ the grinding of his owne Co⁹ne. But this Defendant ſaith, That as yet he hath not framed o⁹ layde any foundation thereof, which wo⁹des were occaſioned and ſpoken by reaſon that this Defendant, hauing fo⁹merly fo⁹ the moſt part vſed to ſend all his Co⁹ne and graine to the Complainants Mylne, the ſame hath beene verie euill vſed in grinding, and exceſſiue multure taken thereof. And though this defend. hath many times in friendly maner cõplained therof to the now compl. o⁹ to one of them,

yet the same hath beene no way amended or reformed, whereupon this Defendant now of late hath been forced for the grinding of his corne, to carrie the same to a myne two or three miles distant from his place of dwelling, to the great trouble and inconuenience of this Defendaunt. Wherefore these things only considered of and prooued to this honorable Court, this Def. hopeth that this Court will not prohibit or hinder this Def. if he be disposed or determined from annering vnto the sayd Fulling mylle a priuat Corne Myne, or for altring the same into a Corne Myne for the Def. priuate vse, and grinding of his Corne, the Trade of Fulling being much decayed, and the sayd Fulling Myne being ruinated as aforesaid. And the rather, because this Defendaunt beeing Farmour of the sayd Mannor vnto the Kings Maiestie for the terme aforesaid, is not bound or tyed vnto the Complainants Myne. And likewise the tenants of the said Mannour are not bound, neither doe they owe of right any suite, seruice, multure, or Soake vnto the Complainants Myne, as this Defendant hopeth to prooue vnto this honourable Court, for the building whereof this Defendant humbly referreth himselfe vnto the Iudgement of this Court. And this Defendaunt further sayth, That some Freeholders of the said Mannour since the Complainants pretended purchase of the said Myne, haue builded and erected a new Myne within the said manner, whereunto the Complainants haue taken no exception, but do allow and approoue the same, as he verily thinketh. And diuers Freeholders and Tenants of the said Manner doe grind their Corne at the said new erected Myne: which maketh this Def. verily thinke, That the Bill of Complaint now exhibited is only vpon malice, and for vexation grounded (as this Def. is perswaded in his conscience) vpon an antient spleen and grudge that W. B. one of the Complainants hath a long time borne vnto this Defendant. And he is the rather induced so to think, because the said W. B. the Complainant, beeing a Tenaunt of the sayd Mannour, and inhabiting within the same, hath alwaies carried himselfe obstinately and frowardly vnto this Defendaunt, beeing Farmour of the sayd Mannour, and will not appeare and doe his suite at the Court holden for the said Mannour, although he and his Auncestors haue alwaies done suite to the saide Court, vntill now of late hee will not answere thereat, neither will hee bee subiect to the Bylawes and Ordinances made by the homage of the saide Court, according to the auntient vsuage and custome thereof, nor pay any amerciaments assessed by the sayde Court, contrarie to all right, and to euill example of others, without that the Kings Maiestie by his Letters Patents did grant vnto the said E. F. and F. P. and to their heires, the

sayd

ſaid Corne milne in Kirkoſwold, or that the ſaid Kings Maieſtie did grant by his ſaid Letters Patents, that he ſhould not build, nor ſuffer to be builded any other milne within ſuch a diſtance of ỹ foreſaid milne or that the ſaid E. F. and F. P. did bargaine and ſell the ſaid milne vnto the ſaid Complainants, or either of them, in manner and forme as in the ſaid Bill is alleaged. And without that, that the ſuit, ſoake, and multure of all the tenants and inhabitants of Kirkoſwold aforeſaide, doe belong, or of right appertaine vnto the Compl. milne, as in the ſaid Bill of complaint is alleaged. And without that, that this def. hauing a purpoſe and intent to defraud the complainants of the benefit of their milne, and to depriue them of the ſuit, ſoake, and multure to the ſame of right belonging hath framed any other milne there, or laid the foundation thereof, as in the Bill of complaint is vntruely alleaged. And without that any other matter in the bil alleaged, & herin not confeſſed, auoided, trauerſed, or denied, is true, that any other matters &c. And which matters &c.

An Anſwere to an Information pretending that the Defendants manor of B. is liable for payment of a debt due to the King, with the Defendants alegations and matter of diſcharge, within the meaning of the Statute of 33. H. 8. cap. 39.

The ſeuerall and particular Anſwer of W. W. Eſquire, to the information of the right honorable Sir Francis Bacon, Knight, his Maieſties Attorney generall.

THe ſaid defendant ſaith, that he is Terretenant and owner of the manor of Brimpton in the ſaid Information ſpecified, but hee is not ſeiſed, neither is tenant or owner of any other the Parkes, Manors, Lands, or Tenements therein mentioned. And as for the ſaide Manor of Brimpton, this defendant ſaith, that vnder the fauour of this honourable Court, the ſame is not lyable or ſubiect either in law or equitie to the ſaide debt of two thouſand pounds, ſuppoſed by the ſaide information to bee due to his Maieſtie: as borrowed of the late Queene Elizabeth by the Earle of Eſſex, for this defendant ſaith, that it is true that the ſaid Earle of Eſſex was neuer ſeiſed of the ſaid manor of Brimpton, and ſo conſequently by the lawes and ſtatutes of this Realme, cannot be lyable to the debts of the ſaid Earle. And this defendant ſaith, that the true end and purpoſe, wherefore the ſaid Manor amongſt other things was paſſed by the late Queene to the ſaide L. C. K. W. and other the patentees in the bill named, and not to the ſaid Earle himſelfe, was that the ſame ſhould not bee entangled Sect. 9.

with any of the debts or other incumbrances of the said Earle, but that Purchasors might the more freely and safely deale with the said Patentees for the same. And the freedome and cleerenesse of the estate of the said Patentees, was the the onely encouragement which drew Purchasors on to buy the said lands conveyed vnto them. The saides Purchasors knowing, or at least wise assuring themselues, that the saide Earles owne lands, whereof he stood then seised, were sufficient to pay his owne debts: and that therefore, neither his Maiestie, nor the late Queene, had any needs to releeue themselues for the said debt in point of equitie. But for the better satisfaction of this honorable Court, this def. saith, that by meane conveyances the said manno of Brimpton was assured from the said Patentees to one T. I. Citizen & Marchant Taylor of London, and to his heires, and that this defendant, for the consideration of one thousand pounds, or thereabouts, of lawfull money of England, purchased the said mano of Brimpton of the said T. I. Anno tricesimo septimo reginæ Elizabethæ, beeing now about twentie or one and twentie yeares past, and this defendant doth hold the same of his Maiestie in fee farme by the yearely rent of nineteene pounds, fiue shillings, and three pence, and the same hath duely payd euer since the said purchase. And this defendant further saith, that he doth not thinke, that the said debt of the two thousand pounds is due to his Maiestie: For albeit by the Record in the said Bill mentioned it it may appeare, that the same was borrowed of the late Queene, yet this defendant is induced to beleeue, that the same was repayd againe, or imployed in the late Q. seruice, or pardoned by her Maiestie. And this defendant is the rather of that opinion, because it appeareth among the Records of this honorable Court of Exchequer, that in December Anno one thousand fiue hundred and tenne, it pleased his Maiestie to pay to the right honorable the Earle of Esser that now is, the sum of three thousand pounds in consideration of some summes of money due to the Earle of Esser his late Father, disbursed for the late Q. seruice, which had beene against reason and equitie for the saide Earle to haue demanded, or receiued, if his Father had beene truely indebted to his Maiestie in the said summe of two thousand pounds. And this defendant verily thinketh, that it cannot be a good auerrement against the said Record, to suggest that the said debt of two thousand pounds was then vnknowne, and so much the lesse may any such suggestion be made, because shortly after, there was a Bill of Complaint exhibited in this honourable Court against the now Earle of Esser, and against Sir G. C. Knight: purposely to charge diuers mannors of the said Earle of Esser that now is, lying and being in diuers Counties,

and

and the manors of Wakerings lying in the Countie of Eſſex, being the ſaid Sir G.C. lately the inheritance of the ſaid Earle of Eſſex, in ỹ ſaid bil mentioned; with the ſaid debt of 2000 l. And albeit the ſaid manors were and are of verie great value, and might legally and moſt properly haue bin charged therewith if any ſuch ſum had bin due, yet al the ſaid manors of the ſaid Earle were diſcharged of the ſaid pretended debt for the ſum of 100 li. and the ſaid mannors of Wakerings were diſcharged for the ſum of 50 li. as by the records of this court, and namely in the bookes of Orders of decimo tertio Iacobi Regis nunc among diuers other things moſt plainely it doth appeare. For al which reaſons, that is to ſay, becauſe the ſaid Earle was neuer ſeiſed of the ſaid mannour of Wrimpton, and the ſame was taken in the ſaid patentees names of purpoſe to cleare it from all incumbrances of the ſaid Earle, as this def. conceiueth: and that thereupon this def. did for ſo great and valuable a cõſideration, purchaſe the ſaid manor, and doth pay a great yerly fee farme rent for the ſame to his Maieſtie. And that in al probabilitie for the reaſon aforeſaid, his Ma. was in equitie rather indebted to the ſaid Earle, than the ſaid Earle, his heires, or aſſignes, vnto his Maieſtie. And ſeeing the ſaid Earles owne lands whereof he was ſeiſed, which were truely ſubiect to the ſaid debt, ought rather to haue bin charged therwith than this def. And neuertheleſſe the ſame were diſcharged, being of very great value, for ſo ſmall a ſum as 150 li. This def. hopeth it will ſtand with the equitie of iuſtice, and fauor of this hon. court, that this def. and the ſaid manor of Wrimpton, may be diſcharged of the ſaid pretended debt of 2000 li. and of euery part thereof, and to allow the allegations aforeſaid to be good, perfect, and ſufficient cauſes and matters, in reaſon and conſcience, within the meaning of the ſtatute made in the 33 yeare of K. H. 8. cap tricesimo nono, and in the vnderſtanding and wiſedome of this Court, to diſcharge the ſaid manner of Wrimpton, and this def. of the ſaid debt. Without that any other matter or thing in the ſaid bill of compl. materially alleaged concerning him this def. and not hereby trauerſed and denied, or confeſſed and auoided, is true, in ſuch manner and forme as in the ſaid bill is ſuppoſed. All which matters this def. is readie to auer and prowe as this hon. Court ſhall award, And therefore praieth to be diſmiſſed out of the ſame, &c.

A Demurrer and answer by the Defendant, with the causes of such Demurrer in Law, that the Plaintife by his Bill hath not enabled himselfe to sue in this Court.

Sect. 10.

THe said Defendant saith, That the said Bill of Complaint is verie insufficient in the Law to be answered vnto, and such as this defendant for diuers insufficiences therein appearing, is not bounde by the lawes of this his Highnesse Realme of England to make any answer vnto: And therefore this defendant with the fauour of this honorable Court doth demurre and abide in Law vpon the insufficencie of the said Bill of complaint, and doth demand iudgement, if hee this defendant shall be compelled to make any answer thereunto: And for causes of Demurrer, this defendant saith, that the saide Complainant hath not by his said Bill of complaint inhabled himselfe to sue in this honourable Court, For the said complainant onely saith by his said bill of complaint, that hee is fee farmor of the hospitall of Bontham in the said bill of complaint mentioned: And sheweth not vnder what Fee farme rent he holdeth the same, neither that hee is any wayes indebted to his Maiestie for any arrerages of the sayd Rent, nor disabled to pay the same Rent. And it appeareth of the sayd complainants owne shewing, that by this suit the Kings Maiestie shall receiue neither benefit nor preiudice, neither doth this suit any wayes concerne either the said hospitall of Bontham, or the Kings Maiestie. And whereas the sayd complainant supposeth by his said bill of complaint, that hee did discouer a title for his Maiestie to diuers lands, tenements, and hereditaments in the Counties of Kent and Eſſex to a great value, and that hee did become a suitor to his Maiestie for a recompence for the same. This defendant thereunto saith, that the same is a generall allegation, without any certaintie of the names, places, quantities, qualities, or values of the said lands, which allegations, if the same were true, yet it was but the dutie of the said Complainant to discouer the same. And that it was meerely his Maiesties grace and fauour to giue the sayd Complainant recompence for the same, which the sayd Complainant ought to take out of fauour, and not by any suit in Law, or equitie in this honourable Court, or elsewhere. And whereas also the said Complainant, in, and by his said bill of complaint setteth forth an agreement pretended to be made betweene him and the sayd Complainant, and Sir T. M. knight, in the said bill named, and this defendant: And that the said Sir T. M. and this defend. by the said agreement should haue paid to the said Complainant three hundred pounds for his charges and paines out of the first monies that should be receiued or had by force

force of any compoſition, recouerie, or ſale of any the lands in the ſayde Bill of Complaint mentioned. This defendant thereunto ſaith, That the ſaid Complainant ſheweth not that there was any monie receiued, leuied, or had by forces of any ſuch compoſition, recouerie, or ſale of any ſuch lands as the ſaid Complainant ought to haue done, if hee ſhould haue or demand the ſame. And whereas the ſaid Complainant in and by his Bill of complaint likewiſe ſetteth forth, that the ſaid Sir T. H. and this defendant agreed to procure or cauſe to be conueyed from his Maieſtie vnto the ſaid complainant, or to ſuch perſon or perſons as hee ſhould appoint, certaine parcells of Land in the ſaide Bill mentioned, without theſe being any manner of anuile or conſideration to come to them the ſaid Sir T. H. or this defendant, or either of them for procuring the ſame, neither doth the ſaid complainant ſhew any matter of equity to charge them or either of them, to procure the ſaid conueiance. And whereas alſo the ſaid Complainant by his ſaid Bill of Complaint ſetteth forth the ſaid agreement to be made betweene him the ſaid complainant, and the ſaid Sir T. H. and this defendant ioyntly, this defendant ſaith, that the ſaid complainant hath not made the ſaid Sir T. H. any partie to this ſuit, as he ought to haue done. And where the ſayde complainant alleageth by his ſaid Bill of Complaint, that hee reſorted to this defendant to haue had the articles in the Bill mentioned, ſealed by him this defendant, and that he was directed by this defendant to leaue the ſame with this defendants ſeruant. This defendant ſaith, that the ſaid complainant doth not ſhew with which of this defendants ſeruants he was directed to leaue the ſame, nor that he did leaue them with him this defendant or with any of his this defendants ſeruants. And where alſo the ſaid complainant by his ſaid Bill of complaint hath laid a confederacie to the charge of this defendant and his ſeruant, for the keeping of the ſame articles from the ſaid Complainant: This defendant thereunto ſaith, that the ſaid complainant by his ſayd Bill doth not ſhew that the ſame were deliuered to this defendant, or to any his ſeruant or ſeruants, as he the ſaid complainant ought to haue done. For all which cauſes the defendant doth demur and abide in Law vpon the inſufficiencie of the ſaid Bill of Complaint, and doth humbly demand the iudgement of this H. Court, if he this def. ſhall be compelled to make any anſwer to the ſaid inſufficient Bill, neuertheleſſe if this def. ſhall bee compelled to make any anſwer to the ſayd inſufficient Bill then and not otherwiſe, all aduantages of exception to all and euery the ſaid vncertainties and inſufficiencies, and to all other the vncertainties and inſufficiencies of the ſaid Bill to this defen. now and at all times hereafter ſaued, this def. for anſwer thereunto ſaith, and doth vtterly denie that there were euer to this def. knowledge any

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articles ſealed by the ſaid Sir T. W. to the ſaid complainant, as in and by the ſaid bill of complaint is vntruely ſet forth and alleaged. And this def. denieth alſo, that there were any ſuch Articles deliuered vnto this def. or vnto any of his this def. ſeruants to his this def. knowledge without that, that the ſaid complainant to this def. knowledge hauing diſcouered any ſuch title for his Maieſtie as in the ſaid Bill of Complaint is mentioned, did thereupon cauſe an information of intruſion to be exhibited into this hon. Court, or that the ſaid Compl. at his charge, in or about the time in the ſaid bil mentioned, obtained a verdict for his Ma. in this court, to this def. knowledge, as by the ſaid bill of complaint is alleaged. And without that, that ỳ ſaid compl. to this def. knowledge did reſolue to vſe any meanes to acquaint his Maieſtie with any ſuch diſcouerie, and to become an humble ſuiter to his Ma. for the hauing of any ſuch Letters Patents as in and by the ſaid bill of complaint is ſurmiſed, or that ỳ ſaid compl. to that end or purpoſe did acquaint this def. or the ſaid Sir T. W. therewith (to this def. knowledge) or that the ſaid Sir T. W. and this def. by the compl. meanes did vndertake the ſaid ſuit, as by the ſaid bill of compl. is vntruly ſet forth, or that therupon the ſaid Sir T. W. and this def. and the ſaid complainant did come to any ſuch agreement, as by the ſaid bill is alleaged, or that the ſaide Sir T. W. and this def. or either of them did agree, procure, or cauſe to be conueied from his Maieſtie to the ſaid complainant, or to any other perſon or perſons whatſoeuer, any ſuch lands as in the ſaid Bill of complaint is ſurmiſed, or that the ſaid articles were ſealed by the ſaid Sir T. W. or that the compl. did ſeale the counter part therof to the ſaid Sir T. W. to this def. knowledge, as by the ſaid bill of compl. is likewiſe alleaged, or that the ſaid Sir T. W. and this def. haue procured any letters patents of the premiſſes to be granted from his Maieſtie to C. and P. in the ſayd Bill named, and their heires, vpon any ſuch truſt as by the ſaid bil of comp. is alleaged. For this def. ſaith, that his Ma. was gratiouſly pleaſed to ſignifie his pleaſure for the preparing of the grant to C. and P. long before this def. had any knowledge or acquaintance with the ſaide compl. And without that, that this def. and his ſeruant, by confederacie or otherwiſe, do kæp the ſame articles from the ſaid comp. as by the ſaid bil is pretended. And without that, that any other matter or thing in the ſaid bill of comp. contained, material or effectual in the law to be anſwered vnto, and herein not ſufficiently anſwered vnto, confeſſed, and auoided, trauerſed, or denied, is true, all which matters this def. is readie to auer, maintaine, and proue, as this ho. court ſhall award. And humbly prayeth to be diſmiſſed forth of the ſame, with his coſts and charges in this behalfe moſt wrongfully ſuſtained.

A demurrer and answere to a Bill, wherein the defendants being Farmers of the Aulnage and Subsidie for Clothes, are charged with vniust exactions by fees taken of Clothiers.

THe said defendants by protestation say, That the said Bill of complaint exhibited against these def. by the said seuerall complaints, & not only in their own names & on their owne behalfes, but also in the names and behalfes of many others, for seuerall supposed wrongs done seuerally vnto them is not allowable either by the course of this hon. Court, or of any other Court of Law or Equitie, as these def. by their counsell are informed, but each seuerall partie greeued ought seuerally to seeke his remedie and may not ioyne in one ioynt bill of complaint, as the said complainants haue now done: for which cause these defendants vnder the fauor of this honorable Court doe demurre in Law, and humbly pray the iudgement of this honorable Court: Neuertheless if these defendants shall be ordered to make any further answeres vnto the said Bill, then and not otherwise the benefit and aduantage of exception to the vncertainties, insufficiency, and all other the imperfections of the said Bill, to these defendants now and at all times hereafter saued, for further answer thereunto they say, and each one of them for himselfe saith, And first the said R. F. T. T. W. Y. R. B. T. P. and I. C. sir of the said defendants for themselues seuerally say, and each one for himselfe sayth, That the right honorable L. Duke of Lenor, hauing a grant from the K. Maiestie as these defendants haue credibly heard and doe beleeue of the subsidie and alnage and farme of the subsidie and alnage of vendible and sealeable Clothes, halfe Clothes, and peeces of Clothes, Stuffes, Draperies, and other commodities whatsoeuer, called and knowne as well by the name of the olde as the new Draperies, made, set, or offered to sale, or to be made, set, or offered to sale within this his Maiesties kingdome of England, did heretofore authorise or appoint vnder his Lordships seuerall Substitutes or Deputies within the Countie of Surrey, vnto which Substitutes or deputies, the said now complainants, or most of them, and some of the defendants, named in this bill, beeing also Clothiers, as namely the said R. F. and W. Y. did giue or pay iiij. s. vpon a pack of Kerseys, for alnage, subsidie, and other dueties to bee required by reason of the saide office, which deputies or some of them did notwithstanding so carrie and demeane themselues, as that they gaue great trouble and discontentment to the Clothiers in the Townes of Guildeford, Godalming, Section 1.

and

and Wouerly, and other Townes and places in the saide Countie, or diuers of them, vpon which occasion to auoide the veration of themselues and their neighbours, these fiue defendants last named (the said R. F. being then Maior of Guildeford) and the residue his Brethren and Assistants offer thereof hauing beene formerly made vnto them, by or from the said L. Duke of Lenor, these defendants last named did thereupon take in farme the said subsidie and alnage, within the saide Countie of Surrey, and in all Cities, Boroughes, Townes, Villages, Hamlets, and places whatsoeuer within the said Countie of Surrey, as well within Liberties as without, from the feast of Saint Iohn the Baptist, in the tenth yeare of his Maiesties raigne, for the terme of two yeares from thence next ensuing, for and vnder the yeerely rent or payment of C.li. by the yeare, as by one Indenture of the demise and grant thereof, bearing date in or about the twentieth day of June, in the tenth yeare aforesaid, made vnto these defendaunts last named, by the right honourable the said Duke of Lenor, whereunto these defendants refer themselues, it doth and may appeare. And these defendants last mentioned, further say, that they did not intend, by or vpon the taking of the said grant or deputation, to exact or extort any fees, rewards, or summes of money, not allowable or iustifiable by the Lawes of this Realme, as by the said complainants is vniustly surmised, nor to require or receiue by vertue or colour thereof, any other summes of mony than such as the complainants themselues or most of them, voluntarily and without any contradiction (for any thing these defendaunts know to the contrarie) had formerly paide to other deputies or substitutes of the said Duke. But these defendants say, that vpon the taking of the said grant or deputation they did purpose and intend to require and take the summe of 4 s. vpon euerie pack of Kerseys containing twentie Clothes, these defendants knowing that so much was then vsually giuen and payd, they then beleeuing that so much might lawfully bee required and receiued, neither doe these defendants yet know the contrarie. And these defendants would not haue giuen and paide so great a yeerely farme for the same, if they had suspected they might not haue iustified the receiuing of 4 s. vpon a pack as aforesaid. And whereas the said complainants by their said Bill doe suppose that themselues and all other the Clothiers, of, or in the saide Townes of Godalming and Wouerly, haue time out of minde vsed to pay to the Alnagers, onely 1 s. vj d. vpon euery pack of Kerseys containing twentie Clothes and no more, to this suggestion these defendants say, that they doe not know or beleeue that there is or hath beene any such custome in those Townes vsed time out of minde of man, as is suggested, for these defendants are well assured that all or the greatest number

ber

ber of the now complainants themselues haue many times payd without contradiction the summe of iiij s. vpon a packe to former deputies as aforesaid, neither doe these Defendants beleeue that any such prescription can be made, seeing the making of saleable Kerseyes in those Townes, hath not had so long a continuance as can make a prescription, as these defendants verily beleeue, but if the same had continued indeede time out of mind, as is pretended, yet sithence the Kerseyes formerly made were some seuentéene yards, and none aboue eightéene yards, and the Kerseyes now made are foure and twentie yards, and two and twenty yards in length, and few or none vnder twenty yards, and sithence the fées and duties in this case to be receiued and paid, are allowed by Act of Parliament, these Defendants say, as by their counsell they are informed, that there can be no good prescription made on this behalfe. And these Defendants last named further say, that they hauing from the said Lord Duke the Grant aforesaid, they afterwards and before the thirtieth day of June in the saide Bill mentioned, did nominate and appoint the said R. L. and P. B. the other two defendants to be their deputies or seruants concerning the said Farme, requiring them to deale iustly and honestly with all men in and about the same, and withall, giuing them in charge for the ease of the Clothiers, to repaire to their owne seuerall dwelling houses, and there to measure, search, and seale their Kerseyes, which otherwise they need not to haue done, as they are enformed, but might haue compelled them to bring their Kerseyes to be measured, searched, and sealed. For which extraordinarie paines and trauells of the said L. and B. the other defendaunts haue giuen extraordinarie recompences to them the said L. and B. for all which causes the said other defendants did giue directions to the sayde L. and B. to require and receiue the summe of foure shillings vpon euerie packe, as these Def. did then, and yet doe conceiue they might lawfully doe. Neuertheleſſe if in the iudgement of this honourable Court it shall otherwise be resolued and determined, these Defen. doe humbly submit themselues thereunto. But these Defen. say further, That they themselues haue not receiued within the time mentioned in the said Bill of the said Complainants, or of any other Clothiers, such summes of money as are by the said Bill suggested, nor haue receiued any summes of money for subsidie, alnage, or any other thing concerning the said farme, office, or deputation, but onely from the said L. and B. vpon generall paiments vpon their account after sealing the sayde Kerseyes. And the said R. L. and P. B. the two other Defendants for themselues say, that from the thirtieth day of June, in the tenth yeare of his Maiesties raigne, vntill the fourteenth day of Aprill now last past, as deputies or seruants vnto the said R. F. L. T. W. Y. R. B. L. Y.

W.P. and I.C. haue exercised the said office of Aineger, in the said counties of Surrey, and haue as they hope therein behaued themselues iustly and honestly, and they are well assured that they haue exacted or required no other or greater fees or summes of mony during the said time of or from the said complainants, or any of them, than what were formerly paid to others, and what these def. then were informed and did beleeue, and yet do beleeue, were iustly due and payable, for which they haue already in part, and are ready and willing for the residue to make their account ouer vnto those that employed them. But forasmuch as these two def. are by their councell enformed, that if these def. haue in truth required and receiued greater sums of money by colour of the said deputation than by Law is iustifiable, although the same bee but ignorantly and not wilfully or corruptly done by them, yet they are in danger of diuers forfeitures vpon diuers penall Lawes, for this cause therefore these def. vnder the fauor of this honor. Court, doe forbeare to set downe what particular sums of money they haue receiued of any particular person, and for what cause, and thereupon doe humbly pray the iudgement of this hon. Court, whether they shall bee enforced to make any further answer in this case. Without that, that these def. or any of them, of a couetous desire to inrich themselues, haue wrongfully and vniustly to their knowledge, exacted, taken, and receiued from the complainants and rest of the Clothiers of Godalminge & Mouerly against their wills xvij d. vpon euery pack of kerseys, ouer and aboue the ordinarie, vsuall, and accustomed price which hath bin euer paid for the sealing thereof. Or that these def. or any of them denied the sealing of the said kerseys, vpon paiment of the subsidie and ainage due for the same. And without that, that there is or ought to be any such custome in the said townes of Godalming and Mouerly, for the paiment of v s. 6 d. onely vpon a packe of kerseys, as by the said bill is surmised. And without that, that any other matter or thing in the said bill of compl. alleaged, and not herein sufficiently answered vnto, confessed, and auoided, trauersed, or denied, is true, and therefore these def. humbly pray to bee dismissed out of this hon. Court, with their reasonable costs and expences in this behalfe wrongfully sustained.

A

A Replication whereby the plaintife maintaineth his bill exhibited against the defendants for disuading the tenants of the Manor of B. from paying their rents and services to the plaintife being Lord thereof.

THe said compl. saying to himselfe now and at all times hereafter, all & euery the aduantages of exception, to the incertainties, imperfections, and insufficiencie of the ioynt & seuerall answers of the said def. and either of them for replication saith, That the said Bill of compl. by him the said compl. exhibited into this Court against the said def. & euerie clause, article, and thing therin contained, are true, in such maner and forme, as in and by the said bill of Compl. the same are truely set forth and declared. And the said compl. further replieth and saith, That he doth and will auer and prooue, that hee the said compl. vnder such grant from the late Qu. Eliz. of the manor of Bellasise and Brempton, and other lands in the said bill of complaint mentioned, as in the said compl. bill is set forth, was and is possessed of the said manor of Bellasise and Brempton, and other the said lands in the said bill of complaint mentioned, for such terme and vnder such rent, as in the said bill of complaint is truely set forth and alleaged. And the said compl. further replyeth and saith, that he doth and will also auerre and prooue that the said manor of Brempton is and hath beene a veris antient manor, consisting of diuers freeholds and customarie lands, being parcell of the said manor and to the said manor belonging. And that by all the time whereof, the memorie of man is not to the contrarie, the Lords & owners of the said manor of Brempton for the time being, haue vsually had and kept Court Barons, Court Leets, within the said mannour of Brempton, of, and for the said manor of Brempton. And that the freeholds & tenements of the said manor of Brempton for the time being, haue alwayes without contradiction or deniall, from time to time appeared at the Court Barons, and Court Leetes of the said manor, and haue there done and performed their suites and services to the Lordes of the said Manor for the time being, & that the freeholders haue likewise payed their free rents, and acknowledged themselues to be freeholders of the said Manor of Brempton, as by the Court Bookes and Court Rolls of the said Manor of Brempton may appeare. And the said complainant further replieth and saith, That the said com- Sect. 12.

plainant

plaintaunt repoſing truſt and confidence in the ſaid defendaunt F.W. did vpon the ſaide F.W. requeſt make and appoint him the ſaide F.W. his ſteward of, and for the manor of Brimpton for the keeping of court Leets, and court Barons for the ſaid compl. in, and for the ſaid manor of Brimpton. And that the ſaid def. W. hath kept diuers courts, in and for the ſaid manor of Brimton, without that, that the cauſe why the ſaid def. F. W. continued not to keepe courts for the ſaid compl. in, and for the ſaid manor of Bremton was for ỳ ſaid complainãt could not, or would not ſhew vnto him the ſaid def. F.W. and ancient court Rols, or other ſufficient matter for the proofe of his ſaid manor of Bremton, & to proone that there were of right free rents belonging to the ſame, and that there ought a court Baron and a court Leet to bee kept there, as the ſaid def. F.W. in, and by his ſaide anſwere pretendeth. For ther- to the ſaid compl. replieth, and ſayth, That the ſaid def. F.W. was, or might haue bin fully ſatiſfied touching thoſe points by ſeuerall preſent- ments, made vnto him by the tenants and homagers of the ſaid manor of Brempton, at ſuch times as he kept the courts of the ſaid maneur, for the ſaid compl. who preſented vpon their oathes, That all the Free- holders of the ſaid manor of Brempton ought to pay their free rents (all which free rents were then by them particularly found & preſented) and ought to doe their ſuit of Court and ſeruice of the ſaid compl. as L. of the ſaid manor of B. for the time being, as by verdict & preſentment of theſaid homage may appeare. And alſo the ſaid compl. for the ſatiſ- faction of the ſaid def. F.W. touching that matter did at ſundry times ſhew forth vnto the ſaid def. F.W. diuers antient fines and recoueries, wherein the ſaid manor of B. was recorded by the name of the manor of B. contrarie to that which in the ſaid def. anſwer is ſurmiſed: And the ſaid compl. further replieth, and ſaith with this, that all the Free- holders of the manor of B. haue time out of mind paid their rents, & done their ſeruices & ſuit of Court vnto the ſaid compl. euer ſince his, the ſaid compl. eſtate therein, as in the ſaide bill is alleaged: With this alſo that the ſaid defendant F.W. did combine with the other def. R.R. to diſwade the tenants of the ſaide Manor of B. from paying their rents, and doing their ſeruices, vnto the ſaid complainant: with this alſo that the tenants of the lands lately purchaſed by the ſaide de- fendant R.R. haue alwaies paide their Rents to the ſaid Complainant and his anceſtors, as to the ſaid manor of B. And that R.W. in the ſaid complainants bill mentioned, father of the ſaid defendaunt F.W. (being a freeholder of the ſaid manor of B.) hath alwaies payd, and ſtill doth pay his chiefe rent vnto the ſaid complainant, and did his ſuit of Court and ſeruice to the ſaid complainant for his ſaid freehold.

And

And the ſaid complainant further replieth, and ſaith, without that, that the meſſuages, lands, and rents, of free tenants, amounting to 13. s. 4. d. in Wempton in the ſaid K. K. anſwere mentioned (purchaſed by the defendant K. K. of C. P. in his the ſaid def. K. K. anſwere mentioned) were long ſince, or at the time of the purchaſe thereof from the ſaid P. called the manor of Wempton, as in the anſwer of the def. K. K. is ſurmiſed: Further to, the ſaid compl. replieth and ſaith, y neither by the Inquiſition found after the death of the father of the ſaid C. P. nor by any other Record, wherein the ſaid meſſuages and lands (ſomtimes the ſaid C. P. are mētioned or recited) are the ſame meſſuages and lands called or knowne by the name of a manor. And the ſaid compl. doth and will auerre and prooue, that the tenants of the ſaide meſſuages & lands late C. P. for the time being, haue payd their rents, and done their ſuits and ſeruices vnto the ſaid complainant and his anceſtors, owners of the ſaid manor of Wempton, for the time being, as tenants of the ſaid manor of Wempton, both before the ſaid def. K. K. bought and purchaſed the ſame meſſuages and lands from the ſaid P. and ſithence, contrary to that which the ſaid def. K. K. in his ſaide anſwere pretendeth: Without that, that the Bill in the ſaid def. anſwer, mentioned heretofore, exhibited into this court againſt the tenants of the ſaid C. P. by the ſaid compl. was for the ſame matters now complained of by the ſaid compl. now bill. And the ſaid Complainant further replieth and ſaith, that the ſaid def. haue vnduely and indirectly diſuaded all the freeholders of Wempton aforeſaid, to detaine their rents, and to doe no ſuit or ſeruice vnto the ſaid compl. as to the ſaid manor of Wempton. And with this alſo that the ſaid def. K. K. (by the procurement of the ſaid other def. F. W.) hath vnlawfully incloſed the cloſe in ꝯ complainats bill mentioned and thereby hath debarred the inhabitants both of the high waies lying through the ſaid cloſes, and of their common belonging vnto them, for all manner of cattell, which time out of mind they haue had therin. And without that any other matter, clauſe, article, or thing in the ſaid defendants anſwer contained materiall or effectuall in the Law to be replied vnto, and herein not well and ſufficiently replied vnto, confeſſed, and auoided, or trauerſed and denied, is true. All which matters and things, &c.

A Replication auerring that the Def. hath broken parcell of the Plaintifs soile in his Manor of E. and forfeited his Copihold estate &c.

Sect. 13. THe said Complainant for Replication, saith in all and euery matter and thing as he before in his said Bill of Complaint hath sayd, and doth, and will auerre, iustifie, maintaine, and proue the same, and all, and euery matter and thing therein contained, to bee iust and true in such sort, manner, and forme as hee hath therein set forth and declared. And for further replication to the said answere, this complainant doth say, that the said W. L. hath entred into the said parcell of land in the said Bill mentioned, called Leakes Croft, and there hath broken the soile in diuers places and suncke diuers pitts and Shafts, and at the same hath digged great quantities of Coales, and hath sold the same to the inhabitants and tenants of the said manno, and to other strangers to the great and manifest wrong and disherison of his Maiestie, and to the great losse of the said Lord H. which the saide L. hath done of set purpose, that by the said pits suncke in the said Croft called Leakes Croft, hee may draine and conuey water from Coale mines, which hee intendeth to sinke in parcell of his Freehold inheritance adioyning to the said Croft called Leakes Croft, which hee cannot sincke in his owne land, without such meanes to conuey the water from them. And further this Repliant saith, that thereby the sayd Leakes Croft is forfeited, although the same were before a copy of inheritance, as in the said answere, the defendant hath supposed it to bee: And the said defendant doth in his answere, refuse to answer to such his said intent, which the complainant hopeth that this honourable Court will thereby take as confessed. And the saide W. L. doth also by vniust meanes draw from the Coale workes of the said Lord H. diuers workmen, labourers, and chapmen which would there buy and prouide Coles. By meanes whereof his Maiesties sayd Coale mines are much decayed in value, and profit, and doe daily decaie more and more. And other Copihold tenants of the saide manno by the like example, will bee imboldned to attempt the like waste and spoile: without that, that the said complainant hath before this time commenced two seuerall suits against the said defendant for the same cause, as he hath commenced this suit in such maner as in the said answere is alleaged: And without that, that the said Lionella de Scoteuile was euer seised of the said manno of Erkington, or that she made any such grant, or that the same is any way materiall to the matters in question, if any such were. And without that, that there is, or time out of minde of man, there hath been a special customs withing the said manno, that all the custo-

maris

marie Tenants of the Manno⁊ may lawfully digge the ſoile, and get the Coles within their copihold lands fo⁊ their owne vſe to ſpend in their owne houſes, o⁊ to ſell to others, ſo the Lo⁊ds ſale of his Coles gotten in the ſame Manne⁊ bee no waies thereby hindered. But the ſaid complainant ſaith, that if any Copiholder of the ſaid Manno⁊ doth ſinke any pits, o⁊ dig any coles in the ſaid Copyhold lands without the licence of the Lo⁊d of the manno⁊, the ſame is a fo⁊feiture of the ſaid copihold eſtate. Without that, that the compl. did euerie yeare ſell all his Coles which he got in the ſaid Manno⁊ ſince the ſaid pits ſunke in the ſaid Croft called Leaks Croft. And without that that the ſaid def. hath giuen ouer his wo⁊k, as this def. in his ſaid anſwer hath alleaged: without that, that any other matter o⁊ thing materiall o⁊ effectuall in the law to be replied vnto the ſaid def. anſwer alleaged and contained, and which in his replication is not ſufficiently confeſſed and auoided, denied, o⁊ trauerſed, is true to this complainants knowledge. All which the repliant is readie to auer, maintaine, and p⁊oue as this hon. Court ſhal award. And thereupon p⁊aieth as befo⁊e in his ſaid bill of complaint he hath alreadie p⁊aied.

A Reioinder, wherein the defendants denie that they detained any glebe lands from the Parſonage of M. as the plaintife in his bill and replication hath complained.

THe ſaid def. and euerie of them doe auerre, maintaine, and inſiſte Sect. 14.
their ſaid anſwers, and all and euery matter and thing therin contained, to be iuſt and true, certaine and ſufficient in the law to be replied vnto, in ſuch manner and fo⁊me as in the ſaid anſwers the ſame are ſet downe and declared. And doe further reioine and ſay, That as well the ſaid compl. ſaid bill, as alſo the ſaid replication, and the matters and allegations therein comp⁊iſed, are altogether vntrue, vncertaine, & inſufficient in the law to be reioyned vnto by theſe ſaid def. neuertheleſſe all aduantages of exception to the incertaintie and inſufficiencie of the ſaid Bill and replication vnto the ſaid def. alwayes ſaued. Theſe ſaid def. fo⁊ further reioynder vnto the ſaid replication, do ſay in all things as in their ſaid anſwer they haue ſaid. And alſo ſay, that they no⁊ any of them doe know o⁊ euer heard that the tenants of M. o⁊ any of them did euer refuſe to haue any their copihold graunts, o⁊ eſtates, made o⁊ granted at any courts kept vpon o⁊ in the houſes in queſtion, in reſpect the ſame were no part of the ſaid manno⁊ of M. Fo⁊ theſe ſaid def. doe ſay & auer, that the ſame houſes in the ſaid bill mentioned now in queſtion, were alwaies reputed parcell of the ſaid manno⁊ of M. and of the farme houſes thereof fo⁊ any thing theſe def. o⁊ any of them know o⁊

haue heard to the contrarie, vnlesse it were by some idle reports & speeches giuen out and diuulged by the comp. themselues, their seruants, or followers, or by such as were desirous to aduance the title of the sayde comp. For these def. do further say, that true it is, that they haue heard that the said compl. or one of them haue a portion of tithe Corne within the Lordsh. or parish of M. in the said Countie of G. as belonging to the Rectorie of M. But these def. did neuer heare, that the said compl. or either of them, or any vnder whō they claime, euer had any Parsonage, houses, barnes, stables, or glebe lands within the manno: or Lo. of M. And euen so these def. thinke it may be true, that the said compl. or one of them haue the parsonage or tithe Corne in M. aforesaid. But these def. doe not know that the said compl. or either of them, had or haue any parsonage house, buildings, orchard, Garden, or glebe Lands within the manno: or Lordsh. of M. aforesaid, belonging vnto the parsonage of M. aforesaid. And these def. further say, That they doe not know what exceptions haue bin contained in any Patent or Grant made vnto R. M. Esquire in the said bill mentioned, nor are these Defend. acquainted what graunt was made vnto the said R. M. neither do these Def. think it greatly materiall what graunt or exception was made vnto the sayd Ma. M. of any parsonage house or glebe Lands in M. in any Letters Patents, nor what exceptions were contained in any other Letters Patents. For these Def. doe say, that neither the said R. M. nor any other by or vnder him, did at any time occupie, or inioy or take the issues or profits of any parsonage house, barnes, stables, buildings, or glebe lands in M. aforesaid, or paid any rent or fee farme for the same. Without that, that these said def. for their parts doe keepe away any glebe lands from the said compl. vnder colour of exchanges or holding of the same intermingled with the lands of the said manno: or otherwise, as by the said replication is pretended. And without that, that these sayd def. for their parts, haue by many or any deuices indeauored to impaire the profits of the said parsonage, and retain the sayd housing and glebe lands from the plaintif, as by the said replicatiō is suggested. And without that, that any other matter, cause, or thing in the said replicatiō cōtained, materiall or effectual in the law to be reioyned vnto, touching or concerning these said def. or any of them, and herein before not reioined vnto, confessed and anoided, trauersed, or denied, is true, in such maner as by the said replication is declared. All which matters these def. are readie to auer as this hon. Court shall award: and pray as in the sayde answer they haue formerly prayed.

An

A Reioynder to the Replication of the Kings Attorney Generall, wherein the defendant pleadeth to be discharged of a debt, alleaging that he is executor to the husband of an executrix whose former husband was chargeable therewithall: and other reasons therein contained.

THe said W.C. for Reioinder saith, that the plea and answer of him the said def. is certaine and sufficient in the Law, and such (as the def. hopeth) will giue full satisfaction to the most hon. Court. And as vnto the said bill, concerning the summe of 122. li. 8. s. in the said replication mentioned, he this def. conceiueth, that he being onely an executor vnto W.C. deceased, his father, who married R. who was the wife and executrix vnto Ed. P. his said father W.C. and R. his saide wife, being also about 17. yeares agoe discharged by the order and decree of this most hon. Court, he this def. ought not now to be called in question for the same. And he this reioynant further sayth, that hee hath not (to his knowledge) the said bill signed vnder the hand of Sir W.P. in the said Replication mentioned, neither doth he this Reioynant know what is become thereof, but thinketh verily that the saide W.C. his said father deceased, did deliuer the same (if it were in his hands) into this most hon. court. And he this def. is the rather induced so to beleeue, for that he this def. cannot find the same among other his said deceased fathers writings and euidences. So as (vnder ỹ favor of this most hon. court) he this reioynant ought not to satisfie the said sum of 122. li. 8. s. or any part thereof, being Executor vnto the husband of an Executrix, whose former husband was chargeable therewithall: and there hauing beene a discharge thereof by the orders or decrees of this most hon. Court as aforesaid. And this def. doth further submit it to the iudgement of this most hon. Court, whether or no the said orders or decrees of this most hon. Court, which doe mention and purport that there was such a bill signed vnder the hand of the said Sir W.P. as in the replication aforesaid is mentioned, be not a sufficient ground for the making out of processe against the heires, executors, or assignes of the said Sir W.P. for the recouerie of the 122. li. 8. s. if so be ỹ the same be not alreadie paid and discharged: Without that, that any other matter or thing in the said replication contained, materiall or effectuall in the law to be reioyned vnto, and not herein before sufficiently reioyned to, to the knowledge of this def. are true. All which matters the said def. is readie to auer and proue as this hon. Court shall award and therefore prayeth as he in his said answer hath prayed.

Sect. 16.

A Bill or Information into the Exchequer, by the Qu. Maiesties Patentee, for the viewing of vnlawfull payments and allowances.

To the right hon. the Lord B. Lo. high Treasurer &c.

Sect. 17.

IN most humble wise sheweth and informeth your honors, Th. L. Esquire. That whereas our Soueraign Ladie the Q. Maiestie that now is, by her highnesse letters patents, bearing date at G. the 17. day of December, in the 13. yeare of her most gracious and happie raigne, for the considerations therein mentioned, hath giuen & granted full power and lawfull authoritie vnto the said L. L. and to his deputie and deputies by all maner of lawfull wayes and meanes whatsoeuer, that he or they or any of them can or may, for and during the space of eight yeares next ensuing the date of the said Letters Patents, to search forth, viewe, and examine all and singular vnlawfull and deceitfull payments, allowances, controlments, deductions, or retainements, suffered, done, or committed at any time sithence the thirtieth yere of the raigne of her Maiesties most dread father King Hen. 8. vntill the date of the said Letters Patents, or that after the date of the said Letters Patents, shall be suffered, done, or committed, during the space of eight yeares next following the date of the said Letters Patents, in any of her Maiest. Courts, or other places within her H. realme of England or Wales, or elsewhere, by any person or persons, or by the paiment or paiments, allowance or allowances, detainment or detainements of any annuities, fees, pentions, corrodies, or perpetuities, or any other yearely paiments by what name, title, or condition soeuer they or any of them shall bee called or knowne. And all other wrongfull and vniust payments, detainments, allowances, concealements, and deceits, giuen, done, or committed, from the time aforesaid, or after the date of the said Letters Patents to be giuen, done, or committed by any person or persons during the space of the said eight yeares, in any vntrue account, or accounts, whereby any the treasures, money, or profits of her Maiestie, her heires and successors, or of her said father, or of her brother, King Edward, or her late sister Queene Marie, or of the late King Philip, and Queene Marie, or that ought to haue come to her Maiestie, or any of her the aforesaid Predecessors, haue beene or shall be vniustly, and without lawfull cause paied and allowed, diminished, wasted, spent, or detained during the space of the said eight yeares. And whereas

also

also for the better furtherance of the seruice of the saide T. L. in, or about the foresaid matters and causes our said Soueraigne Ladie hath by her said Letters Patents giuen and graunted vnto the sayde T. L. his Executors, Administrators, and Assignes, the one moitie of all and euerie such summe or summes of money, or other things before mentioned, the which by him or his Deputies, Factours, or Assignes, or through his or their labour, trauell, and diligence, during the sayde eight yeares, shall bee deceitfully, fraudulently, without good cause, or vniustly payed, answered, allowed, receiued, concealed, or detained, as is aforesayde, or the value of the same moitie, which so shall be opened, discouered, knowne, pursued, recouered, or had by the sayde Thomas L. his Factors, Deputies, or Assignes, as by the sayde Letters Patents more at large doth and may appeare. Sithence which Graunt in forme aforesaid made to the saide T. L. he the saide T. L. hath through his painefull, chargeable, and diligent labour and search, found out diuers great deceits committed and done, and hath found out, and is able to proue to this honourable Court, That one Thomas C. Deputie Clerke of the Hannaper in the Court of Chauncerie, hauing serued in that office from the beginning of her highnesse raigne vntill now, and yet doth, during all which time the saide T. C. hath continually as well receiued the profits of the Queens Maiesties Seale in the said Court, as all other commodities and aduantages incident vnto the said Office. But now so it is, if it may please your Honours, that the said Thom. C. being accountable to the Quenes Maiestie in her Highnesse court of Exchequer, for all manner of summes of money by him receiued to her Maiesties vse, by vertue of the Clerkeship of the Hannaper, as is aforesaid, hath not for the space of fiftеene yeares, viz. from the first yeare of her Highnesse raigne, vntill the fifteenth of the same, neither iustly charged himselfe vpon his account with all such summes of money as hee yearely hath receiued by vertue of the saide Office, by the summe of foure hundred pounds by the yeare, which in the whole fifteene yeares amounteth to the summe of fiue thousand and foure hundred pounds: Neither yet any other waies payed the same to her Maiesties vse, but vniustly hath defrauded and deceiued her Maiestie by the space of fifteene yeares, by the yearely concealing and detaining from her Maiestie the said summe of foure hundred pounds, out of the charge of his account, which in the said space and time of the said fifteene yeares amounteth to the summe of fiue thousand foure hundred pounds, the which your saide Orator shall bee readie to proue to your Honours. In consideration whereof

may it please your honours, the premisses considered, to graunt vnto the sayd T.L. the Quenes most excellent Maiesties Writ of Subpœna to be directed vnto the sayde T.C. commaunding him personally to appeare before your honours in this her Ma. Court of Exchequer, at a certaine day, and vnder a certain paine therein to be limitted, then and there to answer vnto the premisses, vpon his corporall Oath, and further to abide such order and direction therein as vnto your Honours shall seeme to stand with right and equitie, And that your sayde Oratour may haue according to the Tenor of the sayde Letters Patents, the moytie of the concealements and deceits that shall be proued to be committed by the said T.C. And your sayd Oratour shall pray to God for the preseruation of your honors in health and wealth long to continue.

A Patent granted to I. M. to be an Informer.

Sect. 16. REGINA, &c. To the Treasurour, Chamberlaines, and Barons of our Exchequer for the time being, and to all and singular our Justices, Maiors, Sheriffes, Stewards of Liberties and Franchises, Constables, Bayliffes, Headboroughs, Masters, Mariners of Shippes. And also to all Collectours, and Customers, Comptrollers, and Surueyours of our Customes or Subsidies, Searchers, as well within our Liberties as without. And to all other our Officers, Ministers, and Subiects whatsoeuer, greeting. Whereas before this time, as well in the time of our noble progenitors, kings of this realme, as also during the time of our Raigne, diuers good and wholesome Lawes, Acts, and Statutes, haue beene by diuers and seuerall Acts of Parliament established, ordained, enacted, and made, and hereafter must be made by Gods sufferance, as well to the honour and glorie of God, as also for the commoditie and preseruation of the Common wealth of this Realme, diuers of the which said Lawes and Statutes so made, haue beene from time to time, and yet be daily enfringed and broken, and nothing esteemed and regarded, by the meanes of sundrie euill disposed, disobedient, and wilfull persons, not fearing or dreading Almightie God, nor hauing any regard or respect to their duties towards vs or our progenitors, or Common wealth of their country, nor fearing nor regarding the paines and penalties contained and mentioned in the said Acts and Statutes, by reason that the same haue

not

not beene so earnestly and so duely put in vse and due examination, as it was intended and hoped by the makers thereof. Not onely to the great displeasure of Almightie God, but also to the great discommoditie, hinderance, and losse of vs and of the Commonwealth of our dominions. Knowe ye therefore, that we of our especiall grace, certain knowledge, and meere motion, and to the intent that all such Statutes, & Acts as now at this present stand, remain, and be in force of strength, or that hereafter shall be made, ordained, enacted, or established within this our said Realme, may from henceforth the better and sooner be put in due execution and vse, according to the tenures, purports, and effects of the same, haue authorised, assigned, and appointed, and by these presents do authorise, assigne, and appoint our well beloued subiect I. M. of London Haberdasher, to be an Informer, and a prosecutor for vs, our heirs, and successors, of al such Statutes and acts. And haue giuen and granted, and by these presents for vs, our heires, and successors doe giue and grant vnto the said I. M. his deputie, or deputies, doing the will and pleasure of vs, our Heires, and Successours, full power and authoritie to put in execution all the Acts and Statutes aforesaid. And to enter into al faires and markets, Warehouses, Dyehouses, Tanhouses, Workhouses, and other house and houses, Barnes, Sellers, Soilers, Ships, Vessels, and all and euerie other place and places whersoeuer within our Realme of England, and other our dominions, as wel by water as by land, And to search seise, arrest, sue, and implead in any of our Court or Courts, place, or places, according to the Tenor, purport, and effect of the sayd Acts and Statutes, or any or euery of them, All such goods and merchandises, of what nature or quality soeuer they or any of them be. And all and euerie such person or persons as heretofore haue offended, or hereafter shall happen to offend in any of the said Acts and Statutes. And of our further grace, we for vs, our Heires, and Successours haue giuen and granted, and by these presents doe giue and grant vnto the said I. M. and his assignes, the one halfe or moitie of the value of all and euerie such summe or summes of money as shall be hereafter adiudged forfeit in any of our ordinarie Courts of Records, by force or occasion of any Information, or other Action exhibited or commenced, or to be exhibited or commenced by the said I. M. or any his Deputie or Deputies in the same Courts, or any of them touching the premisses. And to take, perceiue, receiue, and enioy to his onely vse, or the vse of his executors, the said one halfe and moitie of all and singular such forfeitures, or summes of money as shall bee adiudged and deemed to be due or forfeited in any of our ordinarie Courts of Records, or of our heires and Successours, of any Seisure or Information, put and exhibited,

or

or to be put and exhibited into the said ordinarie Courts of Records, or any of them, by the said I. M. or his sufficient and lawfull Deputie or Deputies. Willing and commanding therefore all and singular our Justices, Maiors, Sheriffs, Stewards of Liberties and Franchises, bailifes, Constables, and Headboroughs, Masters, Mariners of ships. Also all our Collectors, Customers, Controllers, and Surueyors of Customes and Subsidies, and Searchers, as well within any of our liberties as without: and all and singuler other our officers, ministers, and subiects within this our Realme or the dominions of the same, whatsoeuer they be, to the aiding, assisting, and helping the said I. M. his deputie or deputies, in the due execution of the premisses. And that the said Justices, Maiors, Sheriffes, Stewards of liberties and franchises, constables, and Bailifes, from time to time doe punish by their discretions all such as doe resist, or any thing attempt, to the letting hindrance, or prejudice of the said I. M. or his Deputie or Deputies in the due execution of the said Acts or Statutes, or any of them, as they tender our will, fauor, and pleasure, and for the contrarie, as they will thereunto answer, at their perills. And furthermore know ye, that we of our further especiall grace, certaine knowledge, and meere motion, and to the intent that the saide I. M. shall bee the more diligent and painefull in the due execution of the said Statutes and Acts, as is aforesaid, haue giuen and granted, and by these presents for vs, our heires, and successors do giue and grant, that the said I. M. shall from time to time, haue, perceiue, receiue, leuie, and take of all and singular such moities, portions, parts of forfeitures, and summes of money, as shall bee at any time or times hereafter demed or iudged to be due or belonging to vs, our heires, or successors, before the Barons of the said Exchequer, by meanes of any seisin, or Information put or exhibited into the saide Court of Exchequer, or any other our ordinarie Courts of Records, by the said John M. or his sufficient or lawfull Deputie or Deputies, of and for euerie pound which so by his industrie and meanes to our vse or the vse of our heires or successors, shall come to be brought and iudged, the summe of twelue pence, ouer and aboue the summe or summes of money to the Informer for his part or portion, or trauell by vs in forme aforesayde limitted and appointed, the same to bee payde to the sayde John M. or his Assignes, by the hands of the Treasurour and Chamberlaines of the said Court of Exchequer for the time beeing. And wee of our further grace especiall, doe further graunt for vs, our Heires, and Successours, by these presents to the said John M. his Executors, and Assignes, that these our Letters Patents, or the Inrollement thereof, and one Certificate signified with the hand of the chiefe Baron of the

said

ſaid Court of Exchequer for the time being, teſtifying the certaintie of ſuch ſum or ſummes of money, as ſhall be from time to time recouered by Iudgement and Execution in any the ordinarie Courts of Record, to the vſe of vs, our heirs, or ſucceſſors, by reaſon and occaſion of any Information or other Action heretofore exhibited or commenced in any of the ſaid Courts, by the ſaid Partine, or any his ſaid deputie or deputies, ſhall bee from time to time a ſufficient warrantie and diſcharge to the Treaſurer and Chamberlaines of the ſaid Court of Exchequer for the time being, to pay and deliuer, or cauſe to be payd and deliuered vnto the ſaid John P. his Executors or Adminiſtrators of ſuch our Treaſurer, or the Treaſurer of our heirs and ſucceſſors, being or that ſhall bee in their cuſtodie, ſo much money as ſhall amount vnto twelue pence, of and for euery pound contained in euery ſuch Certificate, ſigned with the hand of the chiefe Baron of the ſaide Court as aforeſaid, to be taken vnto the ſaid John P. his executors, and adminiſtrators, of the gift of vs, our heires or ſucceſſors, without any preſt or any other charge to be ſet vpon him the ſaid I. P. or any other perſon or perſons for the ſame, without any further warrant to bee ſued from vs, our heires or ſucceſſors, to the ſaid Treaſurer and Chamberlaines for the time being to be decreed for the premiſſes. For that expreſſe mention of the true value of the certainety of the premiſſes, or of any other gifts or grants by vs, or by any our Progenitors, or Predeceſſors before this time made in theſe preſents, is not mentioned, or any other ſtatute, act, ordinance, proviſion, proclamation, or reſtraint to the contrary made, done, ordained, or prouided, or any other thing, cauſe, or matter whatſoeuer in any wiſe notwithſtanding. In witneſſe whereof we haue cauſed theſe our Letters to be made patents. Witneſſe our ſelfe at Weſtminſter, the xx. day of April, in the ſecond yeare our of our raigne.

THus much concerning the Exchequer, & now let vs ſhew you ſome obſeruances in the Prerogatiue of the Court of Wards & Liueries, a Derinatiue from the Antecedent, like an heire to the Anceſtor: Which honorable Court was, (by an act of Parliament made Añ 32. Heñ 8. c. 46.) erected and called the Court of the Kings Wards, and eſtabliſhed to be a Court of Record, and then the chiefe officer, aboue the reſt of the Officers conſtituted for that Court, was ordained to bee called, Maſter of the Wards: vnto whoſe truſt the keeping of the K.

Seale

Seale for that Court was and is committed: In which Seale is engrauen the armes of the King with this memorable Circumscription, *Curiæ Wardarum & Liberationum, Pupillis, Orphanis, & Viduis Adiutrix*: Implying, that it supporteth the rights, and comforteth the estates of Wards and heires, Orphanes, Widowes, and Ideots, Lunatikes, and such as otherwise might much be wronged: And shortly after, that is, by another act of Parliament made Anno 33. H.8. cap. 22. for ỳ greater honor and commoditie of that K. and the more comfort & profit of ỳ subiect, the office of the Master of the Kings Liueries was enacted to be annexed vnto the Iurisdiction of the same Court: by which additiõ the foresaid chiefe officer for the Court of the Kings Wards, was and is intituled Master of the court of the Kings Wards and Liueries: and the said Master of the Liueries, was then and now is ordained to bee called Surueyor of the Kings Liueries, and to be the second person in the same Court, as by the same two seuerall acts of Parliament more fully appeareth: Before which times all causes that now are within the order or surney of this Court, were determinable in the K. Court of Exchequer; and that skilfull experienced Geruice Tilbury, which after he had written a Booke called Tricolumnus, wrot a discourse vnto King Hen. 2. *De necessarijs Scaccarij obseruantijs*, treateth *De Relevio spuntè non soluto*, and that, *aliter de Firmis, atq; aliter de Custodijs respondendum*: Now although the Writs and Commissions of *Diem clausit extremum*, *Mandamus*, *Melius inquirendum*, *Deuenerunt*, *Ætate probanda*, and such of that nature are made in the Chauncerie, by vertue of Warrants from the officers of this court, & so the matters in this addition might haue had place next to those writs; yet because this Court is seuered from and out of the Exchequer, therefore, by reason of their affinitie, you may nere discerne a little also of matters practised within the Iurisdiction of this Court by the consequences.

PLEA-

PLEADINGS IN THE Court of Wards and Liueries.

A Bill to be signed for the double value of a Wards marriage.

To our Soueraine Ladie the Queenes most excellent Maiestie:
Pleaseth it your highnesse of your most noble and abounda̅t grace to grant your most gratious Letters Patents, &c.

REgina omnibus ad quos &c. salutē. Cum nos per libras nostras sub magno sigillo nostro Angliæ patentes gerē dat̄ apud Westmon, primo die Martij, Anno regni nostri 39, de gratia nostra speciali, ac ex certa scientia, & mero motu nostris dederim' & concesserimus nuper prædilecto & per q̄ fideli consiliario nostro W. B. prænobilis Ordinis Garterij militi, Baroni de C. & Domino Guardiano quinque portuum defunct', inter alia custod̄ corporis & maritagium Francisci C. filij & hæredis W. C. Armiger defunct': qui quidem W. C. die obitus sui tenuit de nobis in Capite, per seruitium militare, habendum, gaudend̄, & possidend̄ custod̄ & maritagium eiusdem F. C. absque dispergatione p̄fat̄ W. nuper domino Cobh. executor̄ & assignat̄ suis. Quousque idem W. nuper dominus Cobham executor̄ siue assign̄ suis effectū maritagij prædict' Franc' C. acciperet vel haberet, accipient vel haberent. Et hoc absque compoto seu aliquo alio nobis hæredibus vel successoribus nostris pro inde reddend̄, soluend' seu faciend̄, prout per easdem literas nostras inter alia in ipsa content̄ plenius poterit apparere. Status & interesse cuius quidem W. nuper Domin̄ Cobh. de & in præmiss. ad manus & possessionem dilecti & fidelis nostri G. B. Armiger̄ legitime vt dicitur deuentus est. Cumque etiam modo ex infirmatione prædict' G. B. accepimus quod ante confectionem prædictarum literarū nostrarum paren̄ prædict' W. nuper Domin̄ C. vt præfertur fact' F. C. in custodia nra existen̄, & postquam accreuit etatem suam quatuordecim annorum sine consensu nostro vel p̄fat̄ nuper Domino Cobh. seipsum maritauerit per quod nobis forisfecit duplicem valorem maritagij sui. Sciatis igitur quod nos contemptum prædict' egre ferentes & prædict̄ Georgij B. quod equum est fidei volentes ad humilem petitionem eiusdē G. ex vberiori gratia nostra, ac ex certa scientia & mero motu nostri dedim' & accepim' ac p̄sent dam' & concedimus eidem G. B. executor̄ & assignat̄ suis valorem duplicem valo-

Sect. 1.

Sect. 2.

valore & forisfacturam maritagij prędt Fr. C. habend', gaudend', & ea percipiend' pd G. B. executor & assign suis in tā amplis modo & form, & adeo libere vt nos ea quocunque iure titulo vel ration habet, tenere vel concedere poterimus. Et hoc absque compot seu aliquo alio nobis hæt vel successor nris proinde reddend. In cuius rei testimoniū &c.

A Petition.

To the right Hon. R. Earle of S. Master of her Maiesties Court of Wards and Liueries.

IT pleased the Queenes most excellent Ma. with the aduice of your L. to grant vnto my late good L. and deere father W. late Lord C. deceased, the wardship of F. brother and heire of C. likewise deceased, which ward before the letters patents made frō her Maiestie vnto my sayde Lord father, without the consent of his Guardian maried himself. The benefit and interest of which wardship is come vnto me from my sayde late Lord by way of legacie. And for that I am informed by my Counsell, that the words in the former Patent are not sufficient to giue me such value as by her said Maiest. and your L. was meant vpon the said grant to my said late L. father. I therefore humbly beseech your good L. for your better assurance to giue warrant to the Clerke of the Wards to make vp a bill to passe her Ma. signature in forme within written.

The Answer.

Mast. H. I pray you make vp and ingrosse such a Bill as is before desired.

R. S.

An Inquisition to find a Lunaticke.

Sect. 2. INquisic' indentat capt apud Guildhaldā Ciuit London &c. die A. ann reg. dñe El. Dei gratia Angl, Franc', & Hyberñ reg. fidei defen &c. 43. coram W. R. milit maiore & escaetore ciuit prędt' virtute brīs dict dñæ reg. eidē maiori & escaetori direct' & huic inquisic' consut ad inquirend' de Lunatia R. W. alias H. p sacram &c. Qui dicunt sup sacram suum pd q pd R. W. alias H. in breui pred' nominatus lunat' est & non cōpos mentis & lucid' gaudet interuallis ita q regimine sui ipsius tr tenit bonorū aut catallorū suorū minime sufficit, & in eod' statu fic remāsit a 1 die M. añ reg. dict dñæ Reg. 32 & adhuc remanet. Et vlterius

terius Iur̃ pred̃ ſũ p ſacram̃ ſũm p̃d̃ dicunt, q̃ pred' R. W. alias H. dict' 1. die M. ann' regni dict' dñe Reg. 22. fuit ſeiſit̃ in dom̃in ſuo vt de fe-odo, de et in vno meſſ. vocat̃ &c. cũ ptiñ in M. in com̃ S. pred'. Ac de & in vno alio meſ. voc' &c. cũ ptiñ in M. pred' in com̃ S. pred'. Ac de & vno meſ. ſiue ten̄t voc' &c. et cetris ſuis ptiñ in M. pred' in dict' com̃ S. Necnó de et in vna paſtur̃ cũ ptiñ voc' &c. et de alia paſt. voc' &c. et 20. acr̃ terr̃ ibid' cũ ptiñ. Necnon etiã de et in meſ. ſiue ten̄t cũ eorũ ptiñ voc' &c. in E. in dict' com̃ S. Et vlter̃ Iur̃ pred' ſup ſacram̃ ſuũ p̃d̃ dicunt q̃ p̃d̃ meſ. terr̃ et cetera oĩa p̃miſſa valent̃ p anñ in om-nib' exit̃ vltr̃ repriſ. x. li. Et q̃ R. W. alias H. eſt frater et heres ꝓpin-quior̃ p̃d̃ R. W. alias H. in br̃i pred' nomiñ et ætatis xl. anor̃ et ampli' tempor̃ capt̃ huiꝰ Inquiſic'. Sed vtr̃ pred' R. W. alias H. durañ tempor̃ lunacie et infirm̃ ſeu pred', pred' premiſ. ſeu aliquã inde pcel' alienauit necne, aut de qua vel de quib' ead̃ meſ. et cetera premiſ. ſeu aliqua in-de pcel' tenent̃ aut tenebant̃ Iur̃ pred' penitus ignorãt. In cuiꝰ rei te-ſtim̃ vni parti huius Inquiſic' penes p̃f. maior̃ et eſcaet̃ remañ tã pred' maior et eſcaet̃ quã Iur̃ p̃f. ſigill̃ ſua appoſ. alter̃ vero pte pene p̃f. Iur̃ remañ p̃f. maior et eſcaet̃ ſigill̃ ſuũ appoſuit die loco et anno ſup̃rad'.

The draught of Maſt. W. C. his pardon for the mariage of the La. R. before her Maieſties pleaſure and conſent was declared vnder the great Seale.

REgina omnib' ad quos &c. ſalut̃ cum ſit̃ p predilect' et p q̃ fidelis Sect. 3.
conſanguiñ nr̃ E. nuper Comes R. defunct' in vita ſua ſeiſit̃ fuit de diuerſis honor̃, caſtris, dom̃, man̄, ſ̃r, tenãtis, & heredit̃ in diuerſis Com̃ huius reg. nr̃i Angl̃ de nobis tenta in capite p ſeruic' militar̃ et de eiſd̃ premiſ. ſic ſeiſit̃ exiſt, obijt, ſic inde ſeiſitus 14 die A. anñ reg. nr̃i 29. habens exit̃ de corpore ſuo legit̃ ꝓcreat̃ E. dom̃ R. vnicã filiã et ſolã heredẽ ſuam tunc infra ætatem 14. anor̃ exiſtẽ vt per quandã Inquiſic' inde capt̃ apud N. in Com̃ nr̃o N. 13. die A. an. reg. nr̃i 30. in Cur̃ nr̃a Canc' returnat̃ & ibid' de recordo remanẽ pleni' nobis conſtat et ap-paret. Cumq; etiam poſtea prechariſſima conſanguin' nr̃a dña I. C. ſ̃r dotem gerens R. nup vxor pred. nup comit̃ E. ac mater dict' E. dñe R. nobis ſepi' humilit̃ applicauerit vt reg. fauorem & licentiã noſtr̃ con-cedere dignarem̃, vt quidã W. C. ar̃ fili' et heres apparens T. C. milit̃ dict' dom̃ R. poſſit in vxor̃ ducere iuxta voluntat̃ et de deſideriũ pred. nup Com̃ E. vire ſui in teſtamento ſuo manu ſua ꝓpria inſcript̃ mani-feſte expreſſ. Comq; preter̃ nos premiſ. plurim̃ intendentes conſenſũ et lic' noſtr̃ regal̃ ex gratia noſtr̃ libere dederim̃ ſecund̃ petitionem dict' Comitiſ. cumq; etiam dict' W. C. & dict' E. domiñ R. exiſtent̃ ætat̃ 12.

anno-

annorum & ampli', & tunc in custodia nostra exis'. seipsos matrimon̄ coniunxerunt prius quā dict' consenc' & licenc' nostr' sub aliquo sigillorum nostrorum express'. & de mulgat' fuerunt, vt p quandam Billam informat' inde ex parte nr̄a per atturnat' Cur̄ nr̄æ Wardor̄ et Libar̄ in eandē Cur̄ nostrā exhibit', ac per responsionem pred' W.C. nuper inde fact' & per quend' ordinē in ead' Cur̄ de & cōcernen̄ premiss'. & stabilit' & ibid' remanen̄ plenius poterit apparare, ratione cuius nobis contigit & accreuit duplex valor siue forisfactur̄ maritagij dict' E. dn̄æ R. in ea parte erga nos fact' et ꝑpetrat'. Sciatis tamen quod nos ꝑmiss'. plurimum considerantes ac nolentes q; ꝑd' W.C. et Eliz. dn̄a R. vxor eius iuxta rigorē legū nostrarum Angl' ꝑ premissis puniat', sed regalis consensus & licenc' nr̄e pred' beneficio adeo libere plene & integre gauderent et fruenter, si dicti consensus et licentia nostri promulgat' fuissent indebita Iuris forma sub magn̄ sigillo nr̄o Anglię ante maritagiū pred' vt predicitur hit', p aduisamentum nostri et Concilij curiæ nostr̄ Wardorum et libar̄ præd', pro et in consideratione summ' sex centū librar̄ legalis monete nostre ad receptū dict' Cur̄ nostr̄ pred' W.C. soluend', necnon ex speciali gratia, certa scientia, et mero motu nostris pro nobis hęredibus et successoribus nostris perdonam̄ remittim̄ et relaxam̄ ꝑfat' W.C. et E. dn̄æ R. valorem maritagij duplicem valorem maritagij et forisfacturam maritagij dict' dn̄e R. ac eosd' W. et dn̄am R. hered' executores et eorum administratores et alterius eorum de eisd' valore maritagij pred' duplici valore maritagij, et forisfactura eiusdē exonoram̄, et acquietamus, necnon etiam de ampliori grac' nr̄a certa scientia et mero motu nostris ijsdem W.C. et E. domin̄ R. omnes & omnimodas contemptus, delicta et transgressiones contra nos p dict' maritagiū vel roñe eiusdem maritagij quouismodo fact' vel perpetrat' ac omnia et omnimodas fines, amerciamenta, forisfactur̄, penalitates, actiones, querelas, et demand' nobis per maritagium dict' dominę Eliz. R. vel ration̄ eiusdem maritagij sine licentia nostra debit' plene & libere pro nobis, hęredibus et successoribus nostris pardonamus & remittimus per presentes. Et hoc absque compoto siue aliquo alio nobis heredibus vel successoribus nostris pro inde reddend' soluend' seu faciend'. Eo quod expressa mentio &c. In cuius rei testimonium &c.

A Plea

A Plea of Trauerse vnder the great Seale of England.

REgina &c. Escaetori suo in com̃ Salopp̃ Saluẽ cum per quandam Inquisicionem indentaẽ captam apud Salopp' in com̃ pred' sexto die Septemb. Anno regni nostri vicessimo nono coram Francis. Bromley, armig' &c. Thoma Staunton Generoso Feodar: nostro predict'. Virtute Commissionis nostræ in natura breuis de mandamus quibusdã Andree Charleton' armigero Adamo Mytton Generoso &c. predictis Francisco Bromley, & Thome Staunton, eis quatuor tribus vel duobus eorũ quorũ pref. Feodar̃ vnus esset direct', & Inquisitio' pred' annex' ad inquirend̃ post mortem Humfridi Hil, Gen̄ defunct. per sacram̃ Iohannis Baldwyn de Monslowe Generosi &c. Quod predictus Humfridus Hil, fuit seisitus in domin̄ suo, vt de feodo die quo obijt de &c. in maner̃ siue capitali messuagio de Hull, alias Court Hill, cum omnibus & singulis iuribus membris & pertinen̄. Necnon de & in vno Columbar̃, vno Molendino aquatico centum acr̃ terr̃, sexdecim acr̃ prati centum acr̃ pastur̃, centum acr̃ bosci, & comunia cum pertinen̄ in Hul, alias Hill, in com̃ nostro prædict̃: Necnon de & in quatuor messuagijs & vno cottagio cum pertinen̄ centum acr̃ terr̃, viginti acr̃ prati, et triginto acr̃ pastur̃, cum pertinen̄ in Ashe Hartall, & Nurton, alias Ouerton, in com̃ nostro predict̃: in seperalibus tenur̃, siue occupationibus Francisci Condeley, Roberti Iukes, Ric. Cooke, & Wil. Rowley. Ac de & in decem acr̃ terr̃ siue pasturæ iacen. in Hartal predict & Greet, in comitatu nostro predict̃: & tempore captionis, Inquisitionis predict̃ in tenura, siue occupac' Will̃ Hopton armigeri. Et vlterius compertum fuit per inquisitionem predictam quod predicus, Humfr. Hil, die quo obijt fuit seisitus in dominico suo, vt de feod' de & in manerio de Hoope Baggard in com̃ nr̃o predict̃, cum omnibus & singulis iuribus membris, & pertinen̄ ac de & in donac' siue patronat̃ Eccle. parochialis de Hoope Baggard predict̃. Ac de & in tribus messuagijs octaginti acris terr̃ duodecim acris prati, sexaginta acr̃ pasturæ, Ac de & in triginta solidat reddit̃, cum pertinen̄ in Hoop Baggard, pred' ac etiam de & vna pastur̃, vocat̃ Westwood, continen̄ per estimationem triginta acras terr̃ in Hounds Neene, alias Neene Sauage, in com̃ nostro predic'. Ac de & in vna acr̃ terr̃, in vno Campo de Burford, vocat̃ Westfielde, & tempore captionis Inquisitionis predict̃ in tenur̃ Rich. Cooke. Ac de & in quatuor Burgagijs in Cleoburie Mortimer in com̃ nostro predicto. Et quod predictus, Humfr. Hill, sic de pred' maner̃, messuagijs terr̃, & ten̄ cũ pertinen̄ seisit' existens de tali statu suo obijt inde seisitus. Et quod predict': maner̃ & omnia & singula premissa in

Sect. 4. The inquisition recyted.

Hull, alias Court Hill Ashe Hartall Nurton, alias Ouerton, & Greete predict' : & predict' acræ in Burforde predict' : tempore mortis dict', Humfri. tenebant de quodam Edmund Cornewall armigero defunct & tempore captionis Inquisitionis predict' tenebantur de Thoma Cornewall Armigero, vt de Baronia sua de Burford in com predict' per seruicium Militare videlicet per vndecimam partem vnius feod militijs. Et valent per Annum in omnibus exitibus vltra repris. tresdecem libris sex solid & octo denarijs. Et quod predict'. Manerium de Hoope Baggarde tempore mortis dict', Humfri. tenebatur, de Edm. Cornewall Armigero, vt de manerio suo de Cleybury in Com nostro Wigorn p fidelitatem & red : vnius denarij per annum. Et valet p annum in omnibus exitibus vltra repris. octo libris. Et quod predicta pastura, vocat Westwood, tempore mortis dicti Humfridi tenebat de Georgio Detton generoso per fidelitatem tantum : Et valet p annum in omnibus exitibus vltra repris. quadraginta solid' : Et quod predict' Burgag' in Cleybury pred' tempore mortis dict' Humfridi tenebat : vt de manerio de Cleybury Mortimer pred' in libero Burgagio : Et valet per annum in omnibus exitibus vltra repris. sex libr & duos solid. Et vlterius quod predictus Humfridus Hill obijt vicesimo quarto die Martij, Anno regni nostri vicesimo. Et quod Georgius Hill generosus eius filius & hæres propinquior & ætatis tempore mortis patris sui quatuordecim annorum fuit. Et quod idem Georgius Hill recipit & habuit redditus & proficua omnium & singulorum maner, messuagiorum, terrarum, & cæterorum præmissorum cum pertinentijs, à die mortis dict' Humfridi vsque prædictum diem captionis Inquisitionis prædict' prout Iuratoribus prædict', constare poterit. Et quod prædictus Humfridus Hill in dicta Inquisitione nominatus die quo obijt non fuit seisitus in dominico suo vt de feodo nec feodo talliat, de aliquibus alijs siue plurib' maner, messuagijs, terr, tenementis, siue hereditamentis in Comitat Salop prædict', compertum fuit etiam per quandam aliam Inquisitionem indentatam captam apud Villam nostram Salop' in Comitatu Salop' predict', duodecimo die Ianuarij, Anno regni nostri tricesimo quarto, coram Thoma Lawley Armigero & præfat Thoma Staunton Feodar nostro Comitat nostri prædict' : Virtute commissionis nostr in natura brevis de melius inquirend quibusdam Thomæ Onslowe & Richardo Prince Armigeris, & prædict' Thomæ Lawley & Thomæ Staunton eis quatuor tribus vel duobus eorum quorum præf. Feodar vnus esset, direct' ad inquirend post mortem Humfrid Hill generosi defunct' per sacramentum Griffin More generosi, Thomæ Cardysse generosi, Richard Reynolds generosi, Iohannis Crumpe generosi, Iohannis Bright generosi &c. Quod cum per predictam priorem Inquisitionem compertum fuit, quod predict' Hum-

No tenure for the Q.

A recitall of a Inquisic' vpon a *mel. inquirend'*.

Humfridus Hill fuit ſeiſitus in dominico ſuo vt de feodo die quo obijt (inter alia) de & in manerio ſiue capitali meſſuagio de Hul, alias Court Hill, cum omnibus & ſingulis ſuis iuribus, membris, & pertinentijs, Ac de & in manerī de Hoope Baggard in Comitatu prædict', cum omnibus & ſingulis ſuis iuribus, membris, & pertinenī, & quod ſic ſeiſitus exiſtens de tali ſtatu obijt inde ſeiſitus. Et quod prædict' manerī ſiue capitaī meſſuag' de Hull, alias Court Hill, cum pertinentijs, tempore mortis prædict' Humfridi Hill tenebatur de quodam Edmundo Cornewall Armigero defunct', & tempore captionis dictæ prioris Inquiſitionis de Thoma Cornewall Armigero, vt de Baronia ſua de Burforde, in Comitatu noſtro prædicto, per ſeruitium militare. Et quod prædictum manerī de Hoope Baggarde tempore mortis prædict' Humfridi tenebatur de Edmundo Cornewall Armigero, vt de manerio ſuo de Clebury in Comitatu noſtro Wigorñ, per fidelitatem & reddit vnius denarij per annum, prout per dictam priorem Inquiſitionem inter alia plenius liquet. Per dictam poſteriorem Inquiſitionem compertum fuit, quod prædict' manerī de Hoope Baggarde, cum pertinentijs, tempore captionis dictæ poſterioris Inquiſitionis, & tempore mortis dicti Humfridus Hill tenebatur de nobis, vt de Comite Marchæ, per ſeruitium militare, videlicet, per dimid vnius feodi militis, prout per prædictas ſeparales Inquiſitionis in Fylacijs Cancellarī noſtræ de Recordo reſidēn plenius liquet. Cumque etiam Termino Sancti Michaelis, ſcilicet, decimo quarto die Octobris, Anno regni noſtri triceſimo nono, coram nobis in Cancellaria noſtra prædicta, ſcilicet, apud Weſtmonaſterium, venit Radulphus Rogers generoſus, per Thomam Powell Attornatum ſuum &c. petijt auditum Inquiſitionum prædictarum, & ei legebantur, &c. Quibus lectis & auditis & per ipſum plenius intellectis, idem Radulphus Rogers quærebatur prædict' manerī de Hoop Baggard, cum pertinentijs in man' noſtras colore poſterioris Inquiſitionis præd' capi & ſeiſiri, & in manibus noſtris temanere ipſumque a poſſeſſione ſua inde extrateneri, & hoc minus iuſte. Quia proteſtando quod poſterior Inquiſitio prędicta ac materea in eadem contenī minus ſufficiens in lege exiſtebat, Ac ad quæ ipſe neceſſe non fuit nec per Legem terī noſtræ tenebatur aliqualiter reſpondere. Pro placito idem Radulphus Rogers dixit, Quod bene & verum eſt prædictus Humfridus Hill in prædictis ſeparalibus Inquiſitionibus nominatus die quo obijt fuit ſeiſitus in dominico ſuo vt de feodo, de & in prædicto manerio de Hoope Baggard, cum pertinentijs in Comitat noſtro prædicto. Et quod ſic inde ſeiſitus exiſtēs de tali ſtatu obijt inde ſeiſitus, put per prædictam priorem Inquiſitionē compertum exiſtet: ſed idem Rad. Rogers vlterius dixit, quod prędict' manerī de Hoop Baggard, cum pertiñ, p & poſt mortem prędī Hūfridī

The tenure for the Q.

A plea.

diſcendebat prefato G. Hil' in predicta priore Inquiſitione nominato vt fil' ; & heredi predicti Humfrid Hill, virtute cuius idem Georgius in maner illud cū pertin' imtrauit & fuit inde ſeiſitus in dominico ſuo vt de feodo. Et predictus Georgius Hill, ſic inde ſeiſitus exiſtens ante captionem poſterioris inquiſitionis predict.ſcz. viceſſimo die Septembris , ann regni nri triceſimo primo per Indentur ſigillo ipſius Georgij ſigillat gerē dat eiſdem die & anno fact : Inter præfat Georgium Hil',ex vna parte & prædictum Radum Rogers,ex altera parte, & in Cur Cancellariæ nræ infra ſex menſes proxim poſt dat eiuſdem Indentur ſcdm formā Statuti in ea parte editi debito modo de record' in rotulat pro & in conſideratione cuiuſdem competentis ſummæ bonæ & legalis monete Angl',eidem Georgio per dom Ric.Rogers ante ſigillac' Indentur prædic' : præ manibus ſolut , barganizauit & vendidit præfato Rado' Rogers,hęredibus & aſsignatis ſuis, prędictum manerium de Hoop Baggard cum pertineñ p nomen totius illius manerij, Dominij de Hoope,alis dict' Hoope Baggard alias vocat Hoop Baggard cum omnibus & ſingulis ſuis iuribus membris & pertin' in dicto Com nro Salop,Habendum & tenendū eidem Rich. Rogers hæredibus & aſsignatis ſuis, ad ſolum & proprium opus , & vſum ipſius Ric.Rogers,hæred' & aſsignator ſuor imperpetuū virtut cuius quidē bargain & venditionis. Ac vigor Statuti de vſibus in poſſeſsionem transferēd in Parliamento Domini Henrici nuper Regis Anglię octaui patris noſtri præchariſsimi, anno regni ſui viceſimo ſeptimo apud Weſt. tent: edit: Idem Rad.Rogers , tempore captionis poſterioris Inquiſitionis prædict' fuit & adhuc exiſtit ſeiſitus,de & in prędicto maner de Hoop Baggard cum &c.in domin ſuo vt de feodo. Et vlterius idem Ra.Rogers dixit quod prædict', manerium de Hoope Baggard,cum pertinē. tempore mortis prædicti Humf.Hil,tenebatur de Roberto nuper Comite Leic' vt de manerio ſuo de Cleobury in comitatu noſtro Salopp' prædict',per medietatem vnius feodi militis ac tempor captionis poſterioris Inquiſitionis prædict' tenebatur de eodem maner de Cleobury p medietatem vnius feodi militis , abſque hoc quod dict' maner de Hoop Baggard cum pertin tempore mortis prædicti Humfri. Hil, aut tempore captionis poſterioris Inquiſitionis prædict' tenebat de nob. vt de comitatu Marchiæ per ſeruitium militare modo & forma ,put p poſteriorem Inquiſitionem prædictam Compertum exiſtet : Et abſq; hoc quod het ſeu vnquam habet aliquod aliud Record præter Record poſterioris Inquiſitionis prædicte per quod liquere poteſt quod prædict' maner de Hoope Baggard cum pertin' tenet aut tempore mortis prædicti Humfri. Hill , aut tempore captionis poſterioris Inquſitionis prędic' tenebat de nobis vt de comitatu Marchiæ p ſeruic' militar modo & forma prout per poſteriorem inquiſitionem prædictam compertum

No dying ſeaſed.

Trauerſe the tenure.

pertum est exist. Quæ omnia & singula idem Radulphus Rogers paratus fuit verificare prout cur̃ nostra prędicta considerauit, Et petijt iudiciũ quod manus nostr̃ a possessione pred' manerij de Hoope Baggard cum pertinentijs amouerentur. Et quod ipse ad possessionẽ suam inde vna cum exitibus et proficuis inde a tempore perquisitionis eiusd̃ manerij per ipsum Radulphum vt præmittitur fact' hucusque prouen̄ siue accidẽ restitueretur. Et super hoc quesitũ ab Edwardo Coke Armig. Attornat̃ nostro Generali qui pro nobis in hac parte sequebatur, si quod ipse pro nob. haberet vel dicere sciret quare man' nostr̃ a dicta possessione nostr̃ predicti manerij de Hoope Baggard cũ pertinentijs non amouerentur, vt ipse idem Radulphus Rogers ad plenam integrã & pacificam possessionem suã inde & cuiuslibet inde parcell', vna cum exitibus et proficuis inde a tempore perquisitionis eiusdem manerij p ipsum Radulphum vt premittitur fact' hucusq; prouenien̄ siue accidẽ restitueretur. Qui quidem Attorn̄ nostr̃ Generalis qui pro nobis in hac parte vt prefertur sequebatur in predict' cur̃ nostr̃, scilicet apud Westmonasterium pred̃ pro nob. petijt diem cum ceteris de consilio nostr̃ in legibus erudit inde interloquend̃ vsque ad Octauas Sancti Hillarij tunc proxim̃ vbicunque &c. Et habuit &c. Idemque dies dat̃ fuit prefato Radulpho Rogers tunc &c. ad audiend̃ si quid idem Attornat̃ nr̃o Generalis pro nob. versus eum tunc & ibidem in hac parte allegare vel dicere potuit, Ad quas quidem Octauas coram nob. in Cur̃ nostra prædicta, scilicet, apud Westmonasterium predictam, veñ tam præf. Radulphus Rogers per Attornatum suum prædictum, quã dictus Attorn̄ Generalis qui pro nob. in hac parte vt dictum est sequebatur. Sup quo idem Radulphus Rogers per dictũ eius Attornat̃ petijt sicut prius iuditium in hac parte sibi per eandem Cur̃ nostram reddi: Ac qd manus nostræ a possessione nostra prædicta manerij de Hoope Baggard cum petinentijs amouerentur. Et qd ipse idem Radulphus Rogers ad plenam integram & pacificam possessionem suam inde vna cum exitibus & proficuis inde a tempore perquisitionis eiusdem manerij per ipsum Radulphum vt premittitur fact' hucusque prouenien̄ sine accidẽ restitueretur. Et prædictus Attornat̃ nostr̃ Generalis qui pro nob. in hac parte vt pred' est sequebatur in predict' cur̃ nostra, scilicet apud Westmonasterium antedict' pro nob. petijt vlterius diem cũ ceteris de cõsilio nostro de legibus erudit inde interloquend̃ vsque ad quindenam Paschæ tunc prox' vbicunque &c. Et habuit &c. Idemq; dies dat̃ fuit prefato Radulpho Rogers tunc &c, ad audiend̃ si quid idem Attornat̃ nostr̃ Generalis pro nob. versus eum tunc & ibidem in hac parte allegare vel dicere poterit. Ad quam quidem Quindenam coram nob. in Curia nostra prædicta, scilicet apud Westmonasterium antedict', veñ tam præfat̃ Radulphus Rogers per Attornatum suum predictum, quã

dictus Attornat̃ nostr̃ Generalis qui pro nob. in hac parte vt predict̃ū est sequebatur. Super quo idē Radulph' Rogers per dict' eius Attornat̃ petijt sicut prius iudiciū in hac parte sibi per eandem Cur̃ nostr̃ reddi, Ac q̄ manus nostr̃ ac dicta possessione nostr̃ pred' manerij de Hoope Baggard cum pertinentijs amouerentur, Ac qd ipse idem Radulphus Rogers ad plenam integram & pacificam possessionem suam inde, vna cum exitibus & proficuis inde a tempore pquisitionis eiusdem maner̃ per ipsum Radulph' vt premittitur fact' hucusq; ꝓuenien̄ siue acciden̄ restituerer̃. Et pred' Attorn̄ nostr̃ Generalis qui pro nob. in hac parte vt predict' est sequebatur in predicta Cur̃ nostra, scilicet apud Westmonasterium antedictam pro nob. petijt diem vlterius cum ceteris de consilio nostro in legibus erudit̃ inde interloquend̄ vsque ad Crastinū Sanctę Trinitat̃ tunc ꝓxim̄ vbicunque &c. Et habuit &c. Idemq; dies dat̃ fuit pref. Radulpho Rogers tunc &c. ad audiend̄ siquid idem Attornat̃ nostr̃ Generalis pro nob. versus eum tunc & ibidem in parte allegare vel dicere poterit. Ad quod quidem Crastinam corā nob. in Cur̃ nostra prædicta, scilicet apud Westmonasterium prædictam, ven̄ tam præfat̃ Radulphus Rogers per Attornatum suum predictū, quam dictus Attornat̃ nostr̃ Generalis qui pro nob. in hac pte vt preferr̃ sequebatur. Super quo idem Radulphus Rogers p̄ dictū eius Attornat̃ petijt sicut prius iudicium in hac parte sibi p̄ eandem cur̃ nostr̃ reddi, Et q̄ manus nostra dicta possessione nostr̃ pred' manerij de Hoope Baggard cum pertinentijs amouerentur. Ac quod ipse idem Radulph' Rogers ad plenam integram & pacificam possessionem suam inde, vna cum exitibus & ꝓficuis inde a tempore perquisitionis eiusdē manerij per ipsum Radulphum vt preferr̃ fact' hucusque ꝓuenien̄ siue acciden̄ restituerer̃. Et pred' Attorn̄ nostr̃ Generalis qui pro nob. in hac parte vt p̄dict̃ est sequebatur in p̄dict' cur̃ nostr̃, scilicet apud Westmonaster̃ antedict̃ pro nob. pet̃ diem vlterius cum ceteris de consilio nr̄o in legibus erudit̃ inde interloquendi vsq; ad Octauas S. Michael̃ tunc ꝓx' vbicunque &c. Et habuit &c. Idemq; dies dat̃ fuit præfat̃ Radulpho Rogers tunc &c. ad audiend' si quid idem Attornat̃ nostr̃ Generalis p̄ nob. versus eum tunc & ibidem in hac parte allegar̃ vel dicere poterit. Ad quas quidem Octauas Sancti Michaelis coram nob. in cur̃ nostra predicta, scilicet apud Westmonasterium antedictam, ven̄ tam prefat̃ Radulphus Rogers per Attornatum suum predictum, quam dictus Attornat̃ nostr̃ Generalis qui pro nobis in hac parte vt prædictum est sequebatur, Super quo idem Radulphus Rogers per dictum eius Attornat̃ petijt sicut prius iudicium in hac parte sibi per eandem curiam nostram reddi, Et quod manus nostræ a dicta possessione nostra prædicti manerij de Hoope Baggard cum pertinentijs amouerentur, Ac quod ipse Radulphus Rogers ad plenam integram & pacificam possessionem

ſionem ſuam inde, vna cum exitibus & ꝓficuis inde a tempore perquiſitionis eiuſdem manerij per ipſum Radulphū vt prædict̄ eſt fact̄ hucuſque prouenien' ſiue acciden' reſtitueret. Et prædictus Attorn' noſter Generalis qui pro nobis in hac parte vt prætertur ſequebat̄ in prædict̄ Cur̄ noſtra, ſcilicet apud Weſtmon' antedict̄ pro nob. petijt diem vlterius cum ceteris de conſilio nr̄o in legibus erudit̄ inde interloquend̄ vſque ad Octauas Sancti Hillarij tūc proxim̄ vbicunque &c. Et habuit &c. Idemque dies dat̄ fuit prefato Radulpho Rogers tunc, &c. ad audiend' ſi quid idem Attornat̄ noſtr̄ Generalis pro nob. verſus eum tunc & ibidem in hac parte allegare vel dicere poterit, Ad quas quidem Octauas Sancti Hillarij coram nob. in Cur̄ noſtra prædicta, ſcilicet apud Weſtmonaſterium antediꝯam, veñ tam prefatus Radulphus Rogers ꝑ Attornatum ſuum prædictum, quam dictus Attornat̄ noſtr̄ Generalis qui ꝑ nob. in hac parte vt prędictum eſt ſequebatur. Super quo idem Radulphus Rogers per dictum eius Attornat̄ petijt ſicut prius iudiciū in hac parte ſibi per eand' Cur̄ noſtram reddi: Et quod manus nr̄a dict' poſſeſſione nr̄a prædicti manerij de Hoope Baggard cum ꝑtinentijs amouer̄. Ac quod ipſeidem Radulphus Rogers ad plenam integr̄ & pacificam poſſeſſionem ſuam inde, vna cum exitibus & proficuis inde a tempore ꝓquiſitionis eiuſdem manerij per ipſum Radulphum vt prefertur fact̄ hucuſque prouenieñ ſiue acciden' reſtitueretur. Et prædictus Attornat̄ nr̄ Generalis qui ꝑ nob. in hac parte vt prædictum eſt ſequebatur in prædicta Cur̄ noſtra, ſcilicet apud Weſtmonaſterium antedict' ꝑ nob. petijt diem vlterius cum cæteris de conſilio nr̄o de Legibus erudit̄ inde interloquend̄ vſque ad Quindenam Paſchæ tunc prox' vbicunque &c. Et habuit &c. Idemq; dies dat̄ fuit præfato Radulpho Rogers tunc &c. & audiend̄ ſi quid idem Attornat' noſtr̄ generalis pro nob. verſus eum tunc & ibidem in hac parte allegare vel dicer̄ poterit. Ad quam quidem Quindenam Paſchæ coram nob. in Curia nr̄a p̄dicta, ſcilicet apud VVeſtmonaſt̄ antedict', veñ tam p̄fat̄ Radulphus Rogers ꝑ Attornatum ſuum prædict', quam dictus Attornat̄ nr̄ Generalis qui ꝑ nobis in hac ꝑte vt præfertur ſequebatur. Super quo idem Radulph' Rogers per dict̄ eius Attorn' petijt ſicut prius iudiciū in hac ꝑte ſibi ꝑ eand' cur' nr̄ā reddi. Et q̄ manus nr̄æ a dicta poſſeſſion' nr̄a p̄d̄ man'ij de Hoope Baggard cum pertiñ amouerent̄, Ac quod ipſe idē Radulph' Rogers ad plen' integr̄ & pacific poſſeſſionē ſuam inde, vna cū exitibus & ꝓfic' inde a tempore ꝓquific' eiuſdem maner̄ per ipſum Radulphū vt p̄dict' eſt fact' hucuſque ꝓuenieñ ſiue acciden' reſtitueret. Et præfat̄ Attorñ noſtr̄ generalis qui pro nob. in hac ꝑte vt præfert ſequebat̄ in præd' Cur̄ noſtr̄, ſcilicet apud VVeſtm̄ antedict̄ ꝑ nob. petijt diem vlterius cū ceteris de conſilio nr̄o in legibus erud̄ inde interloquend̄ vſq; ad Craſt. Sanct' Trin̄ tunc ꝓx' vbicunque &c.

Et habuit, &c. Idemq; dies dat̃ fuit prefat̃ Radulpho Rogers tunc &c. ad audiend̃ si quid idem Attornat̃ nr̃ generalis pro nob. versus eũ tunc & ibidem in hac parte allegare vel dicere poterit. Ad quod quidem Craſtinum Sanct' Trinitatis coram nob. in Cur̃ noſtra prædicta, ſcilic. apud Weſtmonaſterium antedictam, veñ tam prefat̃ Radulph. Rogers per Attornatum ſuum prædictum, q̃ dictus Attorñ noſtr̃ generalis qui pro nob. in hac parte vt prædictum eſt ſequebatur. Super quo idẽ Radulphus Rogers per dictum eius Attornat̃ petijt ſicut prius iudicium in hac parte ſibi per eandẽ Cur̃ noſtram reddi, Ac quod manus nr̃ a dicta poſſeſſione noſtra prædicti manerij de Hoope Baggard cum pertiñ amouerentur, Ac quod ipſe idem Radulphus Rogers ad plenam integram & pacificam poſſeſſionem ſuam inde, vna cum exitibus & proficuis inde a tempore ꝓquiſitionis eiuſdem manerij per ipſum Radulphum vt prefertur fact̃ hucuſque prouenien̄ ſiue accidẽ reſtitueret': Et predictus Attornat̃ nr̃ generalis qui pro nob. in hac parte vt prædictum eſt ſequebatur in prædicta cur̃ nr̃a, ſcil. apud Weſtmonaſterium antedictam pro nob. petijt diem vlterius cum ceteris de conſilio noſtr̃ de legibus erudit̃ inde interloquend̃ vſque ad Octauas Sancti Michaelis tunc ꝓxim̃ vbicunque &c. Et habuit &c. Idemque dies dat̃ fuit ꝑfato Radulpho Rogers tunc &c. ad audiend' ſi quid idem Attorñ noſtr̃ generalis pro nob. verſus eum tunc & ibidem in hac parte allegare vel dicere poterit. Ad quas quidem Octauas Sancti Michaeł coram nobis in Cur̃ nr̃a prædict̃, ſcilicet apud Weſtmonaſterium antedict' tunc veñ in Cur̃ tam prefat̃ Radulphus Rogers per Attornat̃ ſuum prædict̃ quã dictus Attornat̃ noſtr̃ generalis qui pro nob. in hac parte vt præferť ſequebatur. Super quo idẽ Radulphus Rogers ꝑ dictum eius Attorñ petijt ſicut prius iudicium in hac parte ſibi per eandem Cur̃ noſtr̃ reddi, Et q̃ manus nr̃a dicta poſſeſſione nr̃ prædicti manerij de Hoope Baghard cum pertinentijs amouerentur. Ac quod ipſe idem Radulphus Rogers ad plenam integram & pacificam poſſeſsionem ſuam inde, vna cum exitibus & ꝓficuis inde a tempore perquiſitionis eiuſdem mañij per ipſum Radulphum vt pręd' eſt fact̃ hucuſq; prouenien̄ ſiue accidẽ reſtitueret̃. Et prædict̃ Attorñ nr̃ generalis qui pro nob. in hac parte vt ꝑfertur ſequebatur in ꝑdicta Cur̃ nr̃a, ſcilicet apud Weſtmonaſterium antedict̃ pro nob. pet̃ diem vlterius cũ ceteris de conſilio nr̃o in legib' erudit̃ inde interloquendi vſque ad Octauas Sãcti Hillarij tunc ꝓxim̃ vbicunq; &c. Idemq; dies dat̃ præd̃ Radulpho Rogers tunc &c. ad audiend̃ ſi quid idem Attorñ nr' generalis pro nob. verſus eum tunc & ibm̃ in hac parte allegare vel dicere poterit. Ad quas quidem Octauas Sancti Hillarij coram nob. in cur̃ nr̃a prædicta, ſcilicet apud Weſtmonaſter̃ antedict̃, veñ tam ꝑfat̃ Radulphus Rogers ꝑ Attorñ ſuum pred̃, quã dictus Attorñ nr̃ geñal̃ qui ꝓ nob. in hac ꝑte vt præferť ſequebat̃.

Super

Super quo idē Radulph' Rogers per dict eius Attorñ petijt ſicut prius iudiciū in hac parte ſibi p eandem Cur noſtr reddi, Ac qd manus nr̃æ a dicta poſſeſſione nr̃a p̄dicti manerij de Hoope Baggard cum pertineñ amouerentur, Ac qd ipſe idem Radulphus Rogers ad plenam integr̃ & pacific' poſſeſſion' ſuã inde, vna cum exitib⁹ & ꝓficuis inde a tempor pquiſitionis eiuſdē mañij p ipſum Radulph. vt p̄tur fact hucuſq; ꝓuenieñ ſiue accideñ reſtitueret. Et p̄dict' Attorñ nr̃ general' qui ꝓ nob. in hac parte vt præd' eſt ſequebatur in præd' Cur noſtra, ſcz. apud Weſt. antedict ꝓ nob. petijt diem vlterius cum ceteris de conſilio nr̃o in legibus erudit inde interloquend vſq; ad Quindenam Paſch' tunc prox' vbicunq; &c. Et habuit &c. Idemq; dies dat fuit præfat Radulpho Rogers tunc &c. ad audiend ſi quid idē Attorñ nr̃ general' pro nob. verſus eum tunc & ibm̃ in hac parte allegare vel dicer̃ poterit. Ad q̃ quidē Quindeñ Paſch' coram nob. in Cur nr̃a præd', ſcz. apud Weſt. antedict veñ tam præf. Radulph. Rogers per Attorñ ſuum pred', quam dictus attorñ nr̃ generalis qui pro nob. in hac parte vt pred' ſequebat'. Super quo idem Radulphus Rogers p dict' eius Attorñ petijt ſicut prius iudicium in hac parte ſibi per eand' cur̃ noſtram reddi, Et qd manus nr̃æ a dicta poſſeſſion' nr̃a præd' manerij de Hoope Baggard cum pertineñ amouerentur. Ac quod ipſe idem Radulphus Rogers ad plenam integr̃ & pacific' poſſeſſioñ ſuam inde, vna cum exitibus & ꝓfic' inde a tēpore inquiſic' eiuſdē manerij p ipſum Radulph' vt præd' eſt fact hucuſq; ꝓuenieñ ſiue accideñ reſtitueret, Et pred' Attorñ nr̃ general' qui ꝓ nob. in hac parte vt præfer̃t ſequebat' in præd Cur nr̃a ſcz. apud Weſtm̃ antedict ꝓ nob. petijt diem vlterius cum ceteris de conſilio nr̃o in legib. erudit inde interloquend vſq; ad Craſtinum Sanct' Trinit tunc prox' vbicunq; &c, Et habuit &c. Idemq; dies dat fuit præd' Radulpho Rogers tunc &c. ad audiend' ſi quid idē Attorñ noſtr̃ general' ꝓ nob. verſus eum tunc & ibm̃ in hac parte allegare vel dicer̃ poterit. Ad q̃ quidē craſt. Sanct' Trinit corā nob. nunc in Cur nr̃a pred', ſcz. apud Weſtm̃ antedict, ven' tam p̄fat Radulph. Rogers per attorñ ſuum præd' q̃ dict Attorñ nr̃ general' qui ꝓ nob. in hac parte vt preferr̃t ſequebat'. Super quo idē Radulphus Rogers per dict' eius Attorñ petijt ſicut prius iuditiū in hac pte ſibi p eandē Cur nr̃am reddi. Et q̃ manus nr̃ a dict poſſeſſioñ nr̃a p̄d mañij de Hoope Baggard cum pert amouer̃t. Ac q̃ ipſe idē Radulphus Rogers ad pleñ integr̃ & pacific' poſſeſſ. ſuam inde, vna cum exit̃ & ꝓfic' inde a tempor perquiſitioñ eiuſd̃ manerij p ipſū Radulph. vt præfer̃t fact hucuſq; ꝓuenieñ ſiue accideñ reſtitueret. Et p̄f. Attorñ noſtr̃ general' qui pro nob. in hac parte vt pred' eſt ſequebatur dixit q̃ ex quo ſibi ſufficieñ conſtabat tam p quoddam Record in Turri Lond' irrotulat q̃ dñus Rich. 2. quondam Rex Angl' p Literas ſuas patent̃ gereñ dat die Anno regni ſui 22. aſſignauit

nauit Elianor quæ fuit vx' Rog. Mortimer quondam Comit' Marchiæ pro dote sua ipsam de hæredit' præd' Rog. contingen' inter alia maner' de Cleobury cum feod' Milit' ad illud spectan' int' quæ prædict' maner' de Hoope Baggard ꝑticulariter enumerat' pertinere ad dict' manerium de Cleobury & de eo teneri, Necnon per depositiones diuersor' testiũ in Cur' nostra Wardorum de Recordo remanen', Necnon per decretũ eiusdem Cur' nostræ quin etiã per diuersa alia Record' expres'. proban' dictum manerium de Hoope Baggard teneri de præd' manerio de Cleobury, Ac etiam ꝑ eo quod eidem Attornat' nostro manifeste liquebat qd Robertos nuper Comes Leic' tẽpore mortis dicti Humfrid. Hil fuit seisitus de ꝑdicto manerio de Cleobury. Ideo idem attorn' nr' non dedixit quin fatebatur placit' & trauersiã pred'fore vera modo & forma ꝑut pred' Radulphus Rogers superius plac' allegaũit habitaq; superinde matura & diligenti deliberae' ac de aduisamto diũs. iuris peritor' de consilio nr'o in cur' nra præd', scilicet apud Westm præd', ad id denotat', & ibm existen' factaq; solempni ꝑclamatione hac vice in cadẽ Cur' nra ꝙ si aliquis nos aut Attorn' nrum præd' vel ceteros seu aliquẽ alium de consilio nro in legibus erudit' inform' vellet quare manus nræ a possessione nra præd' antedicti manerij de Hoop Baggard cum pertin' non amouerent', Ac quare ipse idem Radulphus Rogers ad plen integram & pacific' possession' suam inde, vna cum exitibus & ꝓfic' ind' a tempore perquisitionis eiusdem manerij ꝑ ipsũ Radulph. vt premittit' fact' hucusq; prouenien' siue acciden non restitueret, veniret et audiret nulluscq; ad id faciend' se aliquo tẽpore oportuno obtulit. Ideo Termin' Sanct' Trin', scz. 27. die Maij, Anno regni nostri 42. considerat' adiudicat' definit & decret' fuit per Thom Egerton' Mil', Domin' Custod' Magni Sigilli nostri Angliæ, Et per Cur' nostram præd' quod manus nostr' a dicta possessione nra antedicti manerij de Hoope Baggard cũ ptin' amouerentur, Ac ꝙ ipse idem Radulphus Rogers ad plen integr' & pacific' possession' suam inde, vna cum exit' & profic' inde a tẽpore ꝓquisitionis eiusd' manerij ꝑ ipsum Radulph. vt præmittit' fact' hucusque ꝓuenien' siue acciden' restitueretur, Ac ꝙ idem Radulph. Rogers de omnibus & singulis pecuniar' summis per ipsum medio tempore de exitibus & proficuis præd' man'ij de Hoope Baggard cum pertinent' percept' seu quouismodo percipiend' exoneretur saluo iure cuiuslibet ꝓut ꝑ Record' & process. inde in Filacijs Cur' Cancellar' nræ prædict' resident' plenius liquet. Et quia voluimus ea q̃ in Cur' Cancellar' nræ p̃mentionat' rite acta sunt debitę executioni demandari, Ac ideo ꝙ secũdum exigentiam Iudicij præspecificat' versus nos pro præfato Radul. Rogers reddit manus nostræ a dicta possessione nostra antedicti manerij de Hoope Baggard cum pertinen' sine dilatione amouerentur, Ac quod ipse idem Radulphus Rogers ad plenam integram & pacificam

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poſſeſſionem ſuam inde, vna cum exitibus & proficuis inde a tempore perquiſitionis eiuſdem manerij per ipſum Radulphum vt præmittitur fact' hucuſque ꝓuenien ſiue accidẽ reſtituatur, ac quod idẽ Radulph. Rogers de omnib' & ſingulis pecuniar ſumm per ipſum medio tempor de exitibus & proficuis pred manerij de Hoope Baggard cum pertin precept ſeu quouiſmodo precipiend exoneretur. Tibi igitur precipim, ꝙ manus noſtras a præmentionat poſſeſſione noſtr antedict' manerij de Hoope Baggard, cum pertinentijs, in manibus noſtris virtute poſterioris Inquiſitionis pred' vt præmittitur exiſtẽ, ſi ea occaſione & non alia in manibus noſtris exiſtat ſeu exiſtere debet ſine dilatione amoueas te inde vlterius in aliquo nullatenus intromittas. Ac quod ipſe ipſum Radulphum Rogers ad plenam integram & pacificã poſſeſſionẽ ſuam inde, vna cum exitibus & proficuis inde a tempore perquiſitionis eiuſdẽ manerij per ipſum Radulphum vt predict' eſt fact hucuſque ꝓuenientibus ſiue accidẽ reſtituas, Quodque eundẽ Radulphum Rogers de omnibus & ſingulis pecuniarum ſummis per ipſum medio tempore de exitibus & proficuis pred manerij de Hoope Baggard cum pertinẽ percept ſeu quouiſmodo percipiend exonerari fac'. Saluo iur noſtro & alterius cuiuſcunq; exitus ſi quos de præd manerio de Hoop Baggard, cum pertinentijs, ratione ſeu colore poſterioris Inquiſitionis præmentionat pro nobis ſeu nomine noſtro vt præfertur percideris, eidem Radulpho Rogers liberans vt eſt inſtum T. R. apud Weſtmonaſterium vltimo die Maij, Anno Regni noſtri Quadrageſimo ſecundo.

A Bill or Petition for the defaulking of a rent iſſuing out of the Wards lands, and not found by Office out of the Leaſe, to be granted by the Queene to the Courts.

To all humblenesse sheweth and beseecheth your humble suppliant I. Sect. 5. Y. Esquire, and I. P. late wife of C. P. deceased, That whereas by an Inquisition taken after the death of the said C. certified into her Maiesties Court of Chancerie, and transcripted into this honorable Court, and there remaining of record, it is found, that the said C. P. dyed seised in fee simple of diuers Lands and Tenements held of her Maiestie by Knights service, and that Y. P. is his sonne and next heire, and within age, by vertue whereof her highnesse was and is lawfully intituled to the Wardshippe of the bodie and lands of the said Y. P. And whereas your honour by the mediation of Master Doctor P. was pleased that your honors saide suppliants should haue a graunt of the

Ward-

wardship and mariage of the said H. P. and a Lease of the said lands and tenements during his minoritie. And whereas a great part of the said lands and tenements are in lease for diuers yeres, to haue continuance longer than ẏ minoritie of the said Ward, which Leases with the rents therupon reserued, are found by the said Inquisition, and by reason thereof the said lands and tenements are found at a very great yerely value. And whereas there is a yearely rent of xiiij.li. issuing and going forth of the said lands and tenements, paid and payable for euer, to her Ma. and her successors, in the receit of her highnesse Exchequer, which rent was not giuen in euidence vnto the Iurie, or euer remembred at the time of the taking of the said Inquisition. By reason wherof, the said lands and tenements were found at as great a yearely value as if no such rent had bin payable to her Ma. or any way going forth of the said lands and tenements without any exception, deduction, or allowance of the said rent. It may therefore please your honour the premisses considered, that in the rent to be reserued to her M. vpon the Lease to be made to your said suppliant, as is aforesaid, a deduction or allowance may be made of the said rent of xiiij.li by the yeare, and your said suppliant not thereby chargeable to pay the same rent of xiij. li. to her highnesse, both in this honorable Court, and also in the said Court of Exchequer. And your said suppliant shal dayly pray to God for your honor in health and happinesse long to continue.

Iniunction to stay a suit commenced in the Spirituall Court for Tythes.

By the Queene.

Sect.6. WE will &c. forthwith after the receipt hereof to surcease and stay, and not to proceed any further in a suit commenced by you the said N. N. in the Court Christian within the Archdeaconrie of Richmond, against E. D. widow, late wife of L. D. Esquire deceased, for and concerning all maner of Tythes in their kind, comming and growing within the manor of E. in the Parish of P. in our Countie of Y. parcell of the inheritance of C. D. our Ward, nor to proceed in any other Court or place concerning the said Tythes than in our court of Wards and Liueries, to which the iurisdiction of causes concerning our Wards inheritance most properly appertaineth, and faile you not &c. Giuen &c.

An Inquisition whereby a conueyance is found fraudulent.

INquisitio indentura capta apud castrum N. in Com̃ N. præd' quarto die Ianuarij anno regni dominæ Eliz. Dei gratia Angl, Franciæ, & Hiberniæ Reginæ, Fidei Defensor, &c. 40 corã W.B.C.L. Armigeris H.B. geñ feodar Com̃ p̃d E.B.W.R. & P.B. geñ commissionarijs dict' dominæ Reginæ, virtute commissionis dictæ Domin' Regiñ ijs direct & huic Inquisitioni annex' p sacram̃t ꝓbor & legaliũ hominum eiusd' Com̃. Qui dicunt super sacram̃t suũ quod cum compert fuit ꝓ quand' inquisitionem capt apud Swasham in com̃ p̃d 7 die Iunij anno regni dictæ dominæ Reginæ 38. coram T.M. ar tunc escaetore dicte domiñ Reginæ eiusdem Com̃ virtute breuis dictæ dominæ Reg. de diẽ clausit extremum eidem Eschaetori directi ad inquirend' post mortẽ G. M. defuncti, quod quidem W.L. & E.L. diu ante obitum eiusdem G. seisit existeñ de & in duodecim acris terr & pastur cum ptiñ in G. in Com̃ p̃d, de eisdem duodecim acris feoffauerũt eundem G. & quendam G. M. Habend eisd G. & G. & hęredibus suis ad opus & vsum ipsorum G. & G. & hæredum suorum imppetuum. Et quod ijdem G. & G. sic inde seisiti existeñ in dominico suo vt de feodo. Et idem G.M. de alijs tris & tenementis in G. p̃d H.T. & alibi infra Com̃ p̃d seisitus exist, in dominico suo vt de feodo, idem G.M. ꝑ factũ suũ ger dat 18 die Augusti, anno regni dictæ dominæ Reginæ, 33. ea intentione ad gratuland dilectum fratr T.M. & dilectos suos consanguineos T.N. & C.N. & S.S. geñ ꝓ magnis laboribus suis quos ijdem T.T.C. & S. antea susceperũt in & circa negotia eiusdem G.M. ad magnam vtilitatem eiusdem G. M. & pro naturali amore quem idem G.M. gerebat versus fratr & cõsanguineos suos prædict' ac pro melioratione Anglice **aduancement**, ipsorum T.T.C. & S. & ad intentionem quo ipsi & hæredes eor quos super vixerit concesser annuitatem siue annualem redditum 30 li. exeuñ de tris & tenemtis prædict' cuidam R.M. filio seniori ipsius G.M. & hæred de corpor ipsius R. procreatis & ꝓcreandis de eisdem duodecim acris & ceteris omnibus premissis idem G.M. feoffauit eosdem T.M. frem ipsius G.M. & prædict T.N.C. N. & S. S. hend & tenend omnia & singula præmissa eisdẽ T.T.C. & S. & hæred' suis ad opus & vsum ipsorum T.T.C. & S. & hęred ipsorum imperpetuum. Et quod paulo post scilicet vicesimo tertio die Septembris, anno regn dict' dñę Reginæ Elizabethæ, tricesimo tertio prædict ijdẽ T.T.C. & S. de eisdem præmissis feoffauerunt eundem G.M. hend eidem G.M. & hered suis ad vsum eiusdem G.M. ꝓ termino vitæ suæ & post mortem eiusdẽ G.M. tunc de prædict' 12 acris in G. quondam Lomnos & de parcella præmissor ad vsum W.M. & E. vxor eius ꝓ termino sex annor extunc proxim. Sect. 7.

ꝓxim' ſequent̄,& ad finem eiuſdem termini tunc ad vſum dicti T. M. frat̄ & poſt mort̄ eiuſdem T. ad vſum executor̄ teſtamenti & vltime voluntatis eiuſdem G.M. quouſq; T. M. fil̄ eiuſdem G. M. ad plenam ætatem 21 annorum ꝓuenerit, & poſt mortem ipſius T. M. filij, tunc ad opus & vſum ipſius T. M. filij & hæred̄ de corpore ipſius T. filij ꝓcreat̄,& ꝓ defectu talis exitus ad opus & vſum G.M. filij alterius eiuſdem G. patris & hæred̄ de corpor̄ ipſius G. filij ꝓcreat̄, & ꝓ defectu talis exitus ad vſum cuiuſdam A. filiæ p̄d̄ G. patris & hær̄ d̄ corpor̄ ſuo ꝓcreat̄,& ꝓ defectu talis exitus ad vſum p̄d̄ G.M. ꝓ termino vit̄ ſuæ,& poſt mortem ipſius G.M. ad vſum E.M. & hær̄ de corpore ſuo ꝓcreat̄. Et qd idem G.M. pater virtute eiuſdem feoffamenti in eadē præmiſ. cum ꝓtinen̄ intrans,& inde ſeiſitus exiſtens in dn̄ico ſuo vt de libero ten̄to ꝓ t̄mino vitæ ſuæ,& ſeiſitus etiam exiſtens in dn̄ico ſuo vt de feodo, de alijs t̄ris & ten̄tis, cum ꝓtin̄ in Brunton, & alibi in com̄ p̄d̄. Idem G.M. pat̄ p ſcript̄ ſuum gerens dat̄ 17 die Octobris, anno regni dictæ dn̄æ Reg. triceſimo quarto conceſsit p̄fato T.M. fratri ſuo, & p̄fato T.N. conſanguineo ſuo tam p̄d̄ 12 acr̄ t̄r̄ in Gunthorpe præd̄, quond̄ Lomnors, q̄ oēs alias t̄ras & ten̄ta ſua cum ꝓtin̄, in Gunthorpe Thurſford, & alibi infra Com̄ p̄d̄, hēnd̄ illas t̄r̄ & ten̄ta, cum pertinen̄, eiſdē T.M. fratri ſuo, & T.N. & hæred̄ ſuis ad opus & vſum eiuſd̄ G.M. p̄ris ꝓ tempor̄ vitæ ſuæ,& poſt mort̄ eius. Tunc de & in p̄d̄ 12 acris t̄r̄ in Gunthorp quondā Lomnors, & alijs t̄ris in Bale & Hindringham ad vſū p̄f. T.M. fratris,& poſt mort̄ eius, ad vſum execut̄ ipſius eiuſdē G.M. p̄ris quouſq; p̄d̄ T.M. fil̄ ꝓuenerit ad ætatem xxj annor̄,& tūc ad opus & vſum eiuſd̄ T. filij & hæred̄ de corpor̄ ſuo ꝓcreat̄,& ꝓ defectu talis exit̄ ad vſum p̄d̄ G.M. filij & hær̄ de corpore ſuo ꝓcreat̄, & pro defectu talis exit̄ ad opus & vſum I. & G.M. p̄d̄ & hær̄ de corpore ſuo ꝓcreat̄,& ꝓ defectu talis exit̄ ad vſum E. & A. duar̄ filiar̄ eiuſd̄ G.M. p̄ris & hæred̄ de corpor̄ ſuis ꝓcreat̄,& ꝓ defectu talis exit̄ ad vſum p̄d̄ T.M. fratris,& hæred̄ ſuor̄ imꝓpetuum. Prout ꝓ eandem Inquiſitionē (inter alia) plenius liquet & apparet. Iurator̄ p̄d̄ modo de & ſuꝑ p̄ſenti Inquiſitione impannellati,& Iurati dicunt ſuꝑ ſacr̄um ſuū, præd̄, quod præd̄ feoffam̄ ſic vt præf. fact' ꝓ præd̄ W. & E. L. & conueian̄ omnes præd̄ in dicta Inquiſ. mention̄ & in commiſſione huic Inquiſit' conſuta ſpeciat̄ de & concern̄ præd̄ 12 acr̄ t̄r̄ in G. præd̄ factę fuer̄ & q̄libet eorū fact' fuit ad fraudem & couin̄ ea intentione, cauſa & ꝓpoſito ad d̄cipiend' & defraudend' dict̄ dn̄am Reg. de prerogatiua ſua, prima ſeiſina, liberac', releuio, wardo, maritagio,& alio Iur̄ ſuo quocunq; & decipiend̄ & defraudend' ipſam dn̄am Reg. de ꝓficuis terrar̄ & ten̄torum ipſius eiuſd̄ G.M. def. de quibus eadem dn̄a reg. ꝓ prærogatiuam ſuā & leges regni ſui Angl̄ durant̄ minori ætate præd' T.M. filij & her̄ ꝓpinquior̄ dicti G.M. def. de iur̄ reſponderi deberet. Qdque nec eadem

feoffa-

feoffam̃ta conuenc' oēs p̄d', nec eor̄ aliqua fact' fuer̄ ꝑ bon̄ & legitim̄ cauſis & conſiderac' & bona fide, ſed fact' fuer̄ p fraud' & couin̄ ea intenc̄ qua ſuprad' eſt. Et vlter̄ Iur̄ pred' dic' ſup ſacr̄m ſuū pred' q̄ pref. G.M. pater ꝑ teſtam̄t & vltim̄ voluntat̄ ſuā in ſcript̄, gerēn dat̄ xx. die Septemb. anno Dn̄i 1591. inter alia voluit & legauit p̄f. G.M. xx libr̄ bone & legal̄ monet̄ Angl̄ ſoluend' eid' G.M. ad etat̄ ſuā 24. ann̄ per execut̄ eiuſd' G.M. p̄ris ea condic', q̄ idem G.M ſuffic' in lege p̄ fact̄ū ſuū relaxarit pref. T.M. fil̄ & hered' eiuſd̄ G.M. & hered' ipſi⁹ T.M. (et ibm̄ fact̄ relax' traderit manib⁹ exec' pred' G.M. p̄ris ad opus & vſum p̄d̄ T.M. fil̄ et hered' ſuor̄) totū ius, tit̄ et clam̄ ipſi⁹ G.M. de et in pred̄ xij. acr̄ t̄r̄ in G. p̄d̄ q̄ nu ꝑ fuer̄ W.L. et E.L. p̄d', ad op⁹ et vſū p̄d̄ T.M. fil̄ et hered' ſuor̄, ꝓut ꝑ eand̄ voluntat̄ Iur̄ pred' ſu ꝑ captiōn huiꝰ Inquiſ. in euidenc' oſtenſ. plenius liquet et apparet. Et vlteriꝰ Iur̄ p̄d' dic' ſup ſacr̄m ſuū p̄d', q̄ q̄ p̄f. G.M. eſt vnus fil̄ E.M. fil̄ eiuſd' G.M. p̄ris et fuit infra etat̄ xxj. ann̄ ſcz. etatis quatuor vel quinq̄ menſiū aut eo circiter tēpore confectiōn feoffam̄ti pred', ꝑ pred' W. et E.L. et q̄ eſt etat̄ 24. ann̄, vel eo circiter tempus captiōn huius Inquiſ. Et q̄ pred' execut̄ teſtam̄ti eiuſd' G.M. patris nondū ſoluerunt pred' xx. libr̄ pref. G.M. ꝑ eund' G.M. legat̄, vt ſuprad' eſt. Neq̄ pred' G.M. nondū relaxauit ꝓut Iur̄ pred' ſu ꝑ captiōn huius Inquiſ. cōſtar̄ poterit. Dicūt etiā Iur̄ pred' ſu p ſacr̄m ſuū pred', q̄ idē G.M. pat̄ pecūn ſuis ꝓprijs pquefiuit pred' xij. acr̄ t̄r̄ in G. de pred' W. Et E.L. & q̄ idē G.M. nō ſoluebat aliquā pecūn nec dedit aliquā conſideř ꝑ pquiſit̄ pred' ſed fuit noīatus in eod' feoffam̄t, cū eod' G.M. ad decipiend' dn̄am Reg. ꝓut ſuprad' eſt. Et q̄ idē G.M. nullā habebat notic' dicti feoffam̄ti tēpore confect' eiuſd̄ nec poſtea durant̄ vita ipſius G.M. ſed capt̄ fuit feoffam̄t illud in ei⁹ noīe ſin̄ cōſenſu vel notic' ſua. Et vlter̄ Iur̄ pre d' dic' ſup ſacr̄m ſuū pred', q̄ pref. G.M. ſtat̄ poſt feoffam̄t pred' ꝑ pref. W. et E.L. in forma pred' ſibi, et pref. G.M. de pred' xij. acr̄ fact̄ intrabat ſolus in oēs p̄d̄ xij acr̄ et ſolus recipiebat oēs & oīmodas exit̄ & ꝓficua earund̄, et cuiuſlibet partis earund̄ tā toto tempore ante feoffam̄t ſuum inde vt preferť T.M.T.N.C.N. & S. Collard fact', quā poſtea continue durante tota vita ſua, ſcz. per ſpacium xx. annor̄ & amplius ad vſū ſuū propriū abſque aliqua conueniancia vel licentia ꝑ pref. G.M. ſibi in hac ꝑte fact̄, Et q̄ poſt mort̄ eiuſd' G.M. p̄ris hucuſq; W.M. & vxor eius, & E.M. exec' teſtam̄ti pref. G. cepeř ꝓficua earund̄ xij. acr̄ & diuerſ. aliar̄ trar̄ eiuſd' G.M. p̄ris & ead' ꝓfic' vel eorund̄ aliqua annuatim conuerteř ad manuteñ, vict' et veſtit̄ ipſor̄ T.M. et G.M. filij p̄f. G.M. p̄ris defunct̄. Et q̄ idē G.M. nūquā cepit ꝓfic' earund̄ t̄r̄ nec ear̄ ꝑtis alicuius, nec aliq̄ habuit nec hēt ad agend̄ cū dimiſſiōn ſeu occupat̄ earund̄ xij. acr̄ aut alicui⁹ inde pcell̄. Et vl̄t Iur̄ p̄d̄ dic' ſup ſacr̄ ſuū p̄d̄, q̄ idē G.M. nūq̄ hēbat in cuſtod̄ ſua nec videb. p̄d̄ fact̄ feoff. de p̄d̄ xij. acr̄ ſibi et p̄f.

G.M.

G.M. pred' vt preferr fact' sed quod idem G.M. solus habebat in custo-
dia sua durante tota vita sua & q̄ post mortem eiusdem G.M. deuenit
ad manus prefati T.M. fratris vnius executorū eiusdem G. M. patris
& non ad man' dicti G M. Et vlterius iur̄ predict' dicunt super sacra-
mēt̄ suum predict' quod ijdem G. M. pater nunquā intendebat quod idē
G.M. heredes vel assignat̄ sui haber̄ dict' duodecim acras terr̄ in Gun-
thorpe aut aliquam inde parcellam, aut aliquod inde proficuum seu
commod̄ capere attemptaret sed quod ipse idem G. M. pater eis gau-
deret solus & eas totas p̄ libit̄ & arbitr̄ suis solus disponer̄. Et vlte-
rius Iuratores pred' dicunt super sacramēt̄ suum predict̄ quod predict̄
feoffamentum per prefat̄ G.M. patrem prefat̄ T.M. T.N. C.N. & S.S.
vt prefertur fact' fuit pro melioratione & aduantiamento Anglicæ
the preferment and aduancement ipsius G.M. patris & dicti T.M. fi-
lij & hered̄ apparentis ipsius G. ea intentione vt ipsi eas reconcederēt
eidē G.M. patri mod̄ & forma prout eas eidem G. reconcesser̄ vt p̄d̄
est & nec ad commodum siue proficuum ipsorum T.T.C. & S.S. feof-
fat pred̄ seu eorum alicuius. Quodq; pred̄ relique conueancie ann̄ dn̄ę
Reginæ nunc 33. & 34. mentionat̄ fact', fuerunt fact', per fraud̄ & co-
vinam prout supra dictum est & in fidutia & confidentia quod p̄ficua
eorund̄ conuertantur ad vsum commodum & pre melioratione Angl̄
preferment prefati T.M. filij & alior̄ filiorū eiusdem G.M. defuncti &
non ad commodum eorund̄ T.M. fratris T.N. C.N. & S.S. seu eorum
alicuius dicunt etiam Iurat̄ pred̄ super sacramēt̄ suum pred̄ q̄ idem G.
pater per pred̄ fact' suum dat̄ 18. Octob. ann̄ 34. pred̄ reseruauit sibi
potestat̄ & authoritat̄ plenam mutandi status & limitationē creat̄ fact'
& limitat̄ per idem fact' sed vtrū mutauit eos nec ne Iurat̄ pred' penit̄
ignorant. Et vlterius Iurat̄ pred' dicunt sup̄ sacramēt̄ suum pred' quod
pred' R.M. filius eiusd̄ G.M. patris superius notati fuit mortuus in an̄
30. dicte dn̄e Eliz. Reg. quodq; pred' T.M. T.N.C.N. & S.S. nec eor̄
aliquis concesserunt se concesserit pred̄ annuitatem seu annuat̄ reddit̄
triginta libr̄ eidem R. prout Intentio facti pred̄ per prefat̄ G.Might
eis facti prefertur pre se ferebat. In cuius rei testimonium &c.

A

A commission to enquire of a fraudulent Conueyance.

ELizabeth Dei gratia Angl', Franc', & Hiberñ Regina fidei defens. &c. dilectis nobis, Willielmo Bleurhasset, Christofero Layer aĩ M. Henrico Branthwait generĩ feodaĩ nostri Norf. Ed. Bleurhasset, Willielmo Robinson & Petro Barker generosis salut. Cum p quandam Inquisitionem captam apud Swaffham in Comñ nostr̃ pdicto 7. die Iuñ Anno regni nostri 38. coram Tho. Methwold arm̃ tunc Escheat nostr̃ Cum nostri pred', Virtute breuis nostri de diem clausit extremũ eidẽ Eschaetori dire&' ad inquirend' post mort̃ Galfridi Might capt̃ & in Cancellar̃ nr̃a retornat̃ (inter alia) sit compertum qd quidam Willielm' Lomnor & Ed. Lomnor diu ante obitum eiusdem Galfridi Might sesiiti existeñ de & in duodecim acris tr̃ę & pasture cum pertinentijs in Gunthorp in dicto Comñ nostro de eisdem duodecim acris feoffauer̃ eundem Galfridum Might et quendam Galfridum Monie, Habend' eisdem Galfrido et Galfrido et hered' suis, Et quod ijdem Galfridus & Galfrid' sic de premiss. seisiti existeñ, et idem Galfridus Might de alijs terris et tenementis in Thursford et alibi infra Comñ pred' seisit' existeñ in dominico vt de feodo. Idem Galfridus Might per fact' suum dat' 18. August. Ann̄ regni nostri 34. ea intentione ad gratuland' dilectum fratrem suum Tho. Might & dilectos suos consanguineos Thom̄ Norris, Cuthb. Norris, et Steph. Shoring. gen̄ p magnis laboribus suis quos ijdem Tho. Tho. Cuthb. et Steph. antea super se susceperunt in & circa negotia eiusdem Galfrid' Might feoffauit eosdem Thomam Might, Thom̄ Norris, Cuthb. Norris, et Stephañ Shorting de dictis duodecim acris terræ in Gunthorpe, & cetris omnibus premiss. Habend' et tenend' omnia et singula premiss. eisdem Tho. Tho. Cuthber̃t & Stephano, & hæredibus suis ad opus & vsum ipsorum Thom̄ Thom̄ Cuthb. et Stephani, et hæredum suorum imperpetuum. Et quod paulo post scilicet 26. Septembris extunc proxim̄ sequen̄t, ijdem Thomas, Thom̄, Cuthbertus, & Stephanus per cartam suam de eisdem premissis feoffauerunt eundem Galfridum Might, Habend' eisdem Galfrido & hæredibus suis ad vsum eiusdem Galfrid' Might pro termino vit̃ suæ, Et post mortem eiusdem Galfrid Might ad vsum Willielmi Mony & Elizab. vxor̃ eius pro termino sex annorum extunc proxim̄ sequen̄t, & ad finem eiusdem termini ad vsum ipsius Tho. Might fratris, & post mortem eius ad vsum executorũ testamenti & vltime voluntatis eiusdem Galfridi Might quousque Thomas Might filius eiusdem Galfridi Might ad plenam ætatem viginti & vnius annorum peruenerit, & Sect. 7.

ad plenam ætatem ipſius Tho. filij tunc ad vſum eiuſdem Tho. Might filij & hered̄ de corpore ipſius Tho. filij procreat̄, & pro defectu talis exitus ad vſum Gafridi Might filij alterius eiuſdem Galfridi patris & hæred̄ de corpore ipſius Galfridi filij procreat̄, & pro defectu talis exitus ad vſum cuiuſdam Annæ filiæ eiuſdem Galfridi patris et hæred̄ de corpore ſuo procreat̄, & pro defectu talis exitus ad vſum Galfridi Monie pro termino vitæ ſuæ, & poſt mortem ipſius Galfrid̄ Monie ad vſum Edmundi Monie, & hered̄ de corpore ſuo procreat̄. Et qd̄ idem Galfridus Might pater in eadem premiſſa cum pertinentijs intrans, & inde ſeiſitus exiſten̄ in dominico ſuo vt de libero tenemento p̄ termino vitæ ſuæ, & ſeiſitus etiam exiſten̄ in dominico ſuo vt de feodo de alijs terris & tenementis, cum pertinentijs, in Brunton, & alibi in Comitatu prædict' per ſcriptum ſuum, gerens dat̄ decimo ſeptimo Octob. Ano regni noſtri triceſimo quarto, conceſſit præfato Thomæ Might fratri ſuo, & prefat̄ Thomæ Norris conſanguineo ſuo tam prædictas duodecim acras terræ, quam omnes alias terras & tenementa ſua cum pertinentijs ijſdem Tho. Might fratri ſuo & Tho. Norris & hęredibus ſuis ad opus & vſum ipſius eiuſdem Galfridi Might patris p̄ termino vitæ ſuæ, & poſt mortem eius ad vſum executorum ipſius eiuſd̄ Galfrid' Might patris quouſque predict' Tho. might filius peruenerit ad ætatem viginti & vnius annorum, & ad plenam ætatem ipſius Thomæ Might filij tunc ad opus & vſum eiuſdem Tho. Might filij & hæred̄ de corpore ſuo procreat̄, & pro defectu talis exitus ad vſum præfati Galfridi Might filij & hæred̄ de corpore ſuo procreat̄, & pro defectu talis exitus ad vſum Ioh. & Galfridi Monie & hæred̄ de corpore ſuo procreat̄, & pro defectu talis exitus ad vſum Elizab. & Anno prædict' & hæred̄ de corporibus ſuis procreat̄, & pro defectu talis exitus ad vſum prædicti Tho. Might fratris & hæredum ſuorum imperpetuum, prout per eandem Inquiſitionem inter alia plenius liquet & apparet. Et cum Thomas Hesketh armig', modo Attornatus Curiæ noſtræ Wardorum & Liberac' Magiſtro & Conſilio eiuſdem Curiæ ex parte noſtra monſtrauit, quod prædict' feoffamentum & conueiancię prædict' fact' vt ſupradictum eſt fact' fuer̄ per fraudem & couinam ea intentione cauſa & propoſitio ad decipend̄ & defraudend̄ nos de cuſtodia coporis & maritagio præfati Tho. Might filij & hered̄ eiuſdem Galfridi Might patris infra ętatem exiſten̄ & Ward̄ noſtri ac ad decipiend̄ & defraudend̄ nos de profic' earum terrarum & diuerſarum aliarum terrarum ipſius Galfridi Might patris de quibus durante minori ætate eiuſdem Ward̄ noſtri de iure reſponderi deberemus, Quæ quidem Monſtratio de noſtra parte (vt accepimus) dictis Magiſtro & conſilio Cur̄ noſtræ Ward̄ & Librationum prędict' videbatur

batur fore vera, & quia prædict' Tho. Mighe frater, T. Norris, & Cuth. Norris iudicialiter vocat' coram eisdem Magistro & Consilio in eadē Curia nra ad respond' Informationem & monstrationem dicti Attorn nri non denegauerunt super sacramenta sua sed plane confitebantur feoffament' & omnes conueiancias prædict' fact' fuisse vt prefertur, allegauerunt tamen q̄ facta fuerunt p̄ bonis & legitimis consideration & bona fide, & non per fraudem neque couinam, vt supradictum est. Sciatis igitur q̄ nos de veritate & certitudine præmissorum certos fieri volentes & de fidelitate industria & prouidis circumspectionibus vestris plurimum confidentes assignauimus duos vel plures vestrum commissionarios nros ad inquir' per sacramentum proborum & legaliū hom̄ præd' Com nri Norff. tam infra libertates q̄ extra per quos rei veritas & certitudo in præmiss. melius sciri poterit vtrum p̄d' feoffament' & conueianciæ præd' fact', facte fuerant per fraudem & couinam, intētione aliqua, causa vel proposito ad decipiend' vel defraudend' nos hēredes vel successores nros de Prærogatiua nra, prima seisina, liberatione, releuio, wardo, maritagio, vel aliquo alio iure nro quocunq; necne, & de omnibus alijs rebus & circumstantijs fraudē couinam & deceptionem præd' qualitercunq; tangen seu concernen. Et ideo duob' vrm vel pluribus vrum præcipimus & mandamus, q̄ ad certos dies & loca quos ad hoc duo vel plures vrum prouid. exacte & diligent' super p̄miss. faciatis Inquisic'. Eamq; sic fact' & in pergameno distincte & aperte script' nobis in Canc' nra præd' sub sigillis duorum vel pluriū vrum & sub sigillis eorum per quos inquis. eadē facta fuerit sine dilatione mittatis & has literas nostras patentes. Mandamus etiam tenore presentium Vicecom̄ nro comit' præd' q̄ ad certos dies & loco quos ei scire feceritis vel duo vestrum scire fecerint venire fac' coram duobus vel pluribus vrum tot' & tales p̄bos & legales hoēs de balliua sua tam infr' libertates q̄ extra per quos rei veritas in præmiss. melius scire poterit & inquiri. In cuius rei testimonium has lras nostras fieri fecimus patētes. Teste meipsa apud West. vicesimo sexto die Nouemb. Ann regni nostri quadragesimo.

An Inquisition vpon a Deuener after the death of an heire within age, add in ward.

Sect. 8. INquisitio indentat̃ capt̃ apud W. in Com̃ præd̃ xiiij die No. Anno regni dom̃ Eliz. Dei gr̃ &c. coram H. E. ar̃ Eschaetor̃ dict̃' Dom̃ Reg' in com̃ præd̃ B. W. gener̃ Feodar̃ eiusd̃ dom' Reg' in dict̃' com̃ G. H. geñ. Commissionar̃ dictæ dom̃ reg. virtute Commissionis dict̃ dñæ Reg. in natura breuis, de deuenerunt eisdem Commiss. direct. & huic inquisic' annex' ad inquirend̃ post mort̃ W. K. iunior̃ fil & hær̃ W. Keeling defuncti per sacram̃ &c. Qui dicũt super sacr̃ suũ q̃ præd̃ Wil. Keeling in dicta commissionis nominatus die obitus sui fuit seisitus in dom̃ suo vt de feodo de & in vno messuag. vno horreo, & quatuor virgat tr̃, cum p̃t̃ scituat iacen̄ & existen̄ in Farringdon & Westbrook in dicto Com̃ Berk: Et præd' W. K. in dicta commissionis nominatus sic inde seisitus existens tali statu dum infra etat̃: & in custodia dict' dñe Reg. 21 die Sept. an' obijt sic inde seisitus. Et quod omnia & singula premiss. per mort̃ dict' W. patris, & ratione minoris etatis pred' Wil. in dict' commissionis nominat̃ ad manus dict' dom̃ reg. deuener̃ & sic in manib⁹ dict. dom̃ reg. existunt. Et vlter̃ Iurator̃ p̃d̃ dicũt super sacr̃ suũ p̃d̃. Qd præd̃ mess. & cetera premiss. cum pertin' in Farringdon & Westbrook pred̃ in dict' Com̃ Berke, tenent̃ & tempor̃ mortis dicti W. K. in dicta commissionis nominat̃ tenebant̃ de dict' domina reg' per seruic' xl ptis vnius feodi milit̃: & quod valent clar̃ p ann̄ in omnib⁹ exit̃ vltr̃ repris. liij s. iiij. Et quod quidam R. K. est frater & ꝓpinquior hæres prædic' Wil. K. in dicta commiss. nominat. Et fuit tempore mortis eiusdem W. fratris sui infra ætat̃ 21. annor̃ viz. ætatis quindecim annor̃ 9 die Apr. vltim̃ preter̃; Et insuper Iur̃; præd̃ dicunt quod prædictus W. K. in dicta commissionis nominatus nec aliquis alius siue aliqui alij ad eius vsum habuit siue tenuit habuerunt siue tenuerũt aliqua al̃ siue plur̃ messuag. ter̃ tenta siue hæreditament̃ in dominico nec in seruitio tempore obitus sui in com̃ pred̃ nec alibi quam vt supradictum est ad nonic' Iuratos præd̃. In cuius rei testimonium vni parti huius. Inquisic' pœnes pref. commissionar̃ remanen̄ pref. Iur̃ sigilla sua apposuerunt, alteri vero parti eiusdem Inquisic' penes prefat̃ Iur̃ remanen̄ præfat. commiss. sigilla sua apposuerunt die, anno, & loc' suprad̃.

The answere of Iohn Cooke Esquire, the Queenes Maiesties Feodary of her highnesse Countie of Surrey, to the bill of Complaint of Anthonie Thomas, Complainant.

The aduantage of exception to the insufficiencie of the said Bill of compl. to this def. now and at all times hereafter saued, he this def. as well for himselfe, as in discharging of his office, concerning her Ma. saith, That true it is, that the said Samuell Thomas, father of the said compl. died seised in his demesne, as of fee of the said watermill, lands, tenements, and hereditaments in Horley-downe in the bill mentioned: and that the same are discended to the said compl. in fee simple, as sonne and heire of his said father, and that the said premisses were sometime parcell of the possessions, rents, and reuenues of the hospitall or religious house of S. Iohn Ierusalem, beeing long since by act of Parliament and otherwise dissolued. And that although in and by a former inquisition, by vertue of a writ of diē clausit extremum, to the L. Maior of the Citie of London, Escheator of our soueraign Lady the Qu. Maiestie, of her highnesse borough of Southwarke, and other places in the said countie of Surrey, after the death of the said Samuell &c. without that &c. Sect. 20.

An Information against one for altering and rasing the name of a Defendant.

To the right Honorable, R. C. &c.

Sheweth and informeth your hon. Lo. Sir T. Hesketh knight, Attorney of his highnesse said court of Wards & Liueries, that whereas the said Sir T. H. heretofore by information in his Ma. Court of Wards and Liueries, for and in the behalfe of one Fr. Albanie, his Ma. Ward, did informe that R. I. of Oswestrie in the County of Salop gent. E. M. a sonne of the same gent. R. T. of the same, Dier, E. ap Tho. of the same, T. G. H. Gryffith of the same Weauer, Gryffith Iones of the same Taylor, Ar. ap Rob. of the same Baker, Ric. Wilson of the same, Meredith Iones of the same Weauer, Richard ap Robert of the same Shereman, Edw. ap Iohn of the same weauer, and Eban ap Gryffith of the same weauer, and diuers other, whose names are not knowne to the said Attorney, had lately wrongfully intred and intruded into two parcels of common or waste ground, the one called Launt yr a'von gouth, and the other called Knicne y bouth, parcell of the manor of Whitington in the sayd County, and the grasse Sect. 9.

thereupon growing or being, did wrongfully depasture and consume, with their cattell, to the great preiudice of his Maiestie, and disinheritson of his Maiesties Ward: and thereupon, the said Attorney prayed his Maiesties writs of priuie seale to be directed to the said persons, and to euery of them, thereby commaunding them and euery of them at a certaine day, and vnder a certaine paine therein by the saide Ma. of the Wards to be limitted, personally to appeare before the said Master of the said Wards and Liueries, then & there to answere to the said premisses, and euery part and parcel thereof, vpon their corporal oaths, and also to set down vpon their corporall oathes, what right, title, or interest, they & euerie of them challenge or claime to haue of, in, or to the said two parcels of common or waste ground, or either of them, or any part or parcell thereof, and further to stand to and abide such further order and direction in the premisses, as the said master of the Wards and Liueries in his wisedome should thinke fit, as in and by the said Information remaining of record remaining in this ho. Court, more at large appeareth.

Whereupon one Thomas Yanmer of Porkington in the Countie of Salop Gentleman procure his Maiesties Writ of Priuie Seale, dated the seuen and twentieth day of Aprill, in the third yeare of the Kings Maiesties raigne of England, France, and Ireland, and of Scotland the eight and thirtieth, to be directed out of this honourable Court to the said Edward Mason, Meredyth Jones, Edward ap Euan, and John ap Gryffith, in the saide Information before mentioned, commaunding them thereby to appeare before the Master, and Councell of this honourable Court of Wards and Liueries at Westminster, octabis Trinitatis last past, there to answere to all such matters, as should be laid and obiected against them by the saide Attorney of the said Court Subpœna, euerie of them fortie pounds, which said Writ of Priuie Seale beeing sealed with the Kings Maiesties sayde Seale, called the Priuie Seale, and the said Edward Mason, Meredith Jones, Edw. ap John, and Euan ap Gryffith, being thereby accordingly commanded to appeare as aforesaid, and the said names therein beeing faire written, without razing, and the same writ of Priuie Seale being so written, and being by some or one of the Officers or Clerkes of this honorable Court deliuered to the said Thomas Yanmer, after such deliuerie of the said Writ vnto him, and before the seruing thereof, the said Thomas Yanmer not hauing the feare of God before his eyes, nor due regard of his Maiesties Lawes in that behalfe made and prouided, about the thirtieth of Aprill last past, and since his highnesse last generall pardon, willingly, wittingly, and falsely, altered, raized, or caused to bee raized in the saide Writ of Priuie Seale, part of the

Name

name made and written Rich. Mason, and made or caused the same to be made and written Rich. Mason, and so after such raisure and alteration as aforesaid, he the said Thomas Hanmer serued or caused to bee serued the said priuie seale by a ticket out of the said priuie seale, of one Richard Mason of Oswestrie in the said countie of Salop gentleman, to appeare in this hon. Court Octabis Trin last, whereas the said Rich. Mason is not made a Defendant in the said Information, and was not so named in the said priuie seale, when the same went forth of this hon. Court. And forasmuch as all offences done in or to this honor. Court of W. and L. are punishable in that Court, and forasmuch as the wilfull razure aforesaid deserueth sharp and seuere punishment, to the example of all ill disposed persons, May it therefore please your honorable L. the premisses considered, to grant the Kings Ma. writ of priuie seale to the said Tho. Hanmer, thereby commanding him to appeare and answer to premisses, &c.

To the right ho. the L. high Treasurer of England, &c.

A Petition to the Master of the Wards, for the Wardship of the bodie and lands &c.

IN most humble wise sheweth vnto your good L. your dayly Orator E. L. that whereas one D. or D. W. late of Upwell in the countie of Norff. gent. died about two moneths since, being then seised of certaine lands and tenements in the said county, and elsewhere, of the yerely value of x li. or thereabouts vlt. repris. And as yet no office found after his death. Now if it may please your ho. to grant vnto your said Orator, as well the wardshippe of the heire of the said D. W. as also a lease of his lands during the minority of his said heire, vpon such reasonable consideration as shall seeme good vnto your Lo. (his trauell and information for the title respected) w^ch without him will hardly be brought to light: And grant your Lo. warrant for the same vnto the feodarie, &c. Exchequer, or both, as may seeme best to your L. liking, your poore orator will at his owne costs and charges find an office, and prowe a tenure for her Ma. And according to his bounden dutie daily pray vnto God for the long continuance of your L. prosperous estate.

A Bill to pray Licence for Traverse.

Sect. 10.

HUmbly sheweth your honour, John Starkie of &c. in Com Lanc' Gent. That whereas by Inquisition indented, taken at Lorgan in the said Countie of L. &c. day of Januarie in this present xlj. yeare of the prosperous raigne of our Soueraigne Lady Queene Eliz. before, &c. Escheator of our sayd Soueraign Ladie in the sayd Countie of L. by force of a writ of our said Soueraigne Ladie, of Mandamus, to the same Escheator directed, to enquire of the death of Hen. Starkie Gent. late of Aighton aforesaid, in the said Countie of L. deceased, it is found & presented by the oathes of H. G. R. H. Gent. and others, to the number of sixteene in all, that the said H. Starkie your Suppliants saide Father, was seised in his demesne, as of fee, of and in the manor of Aighton &c. in the said Countie of Lanc. and of and in three mess. &c. with the appurtnances in Claughton, in Amoundernes in the said Countie of Lanc'. And that the said Hen. Starkie, of such an estate died seised. And that your Orator is his sonne and heire, and of the age of thirtie nine yeares. And that the said messu. Landes, tenements, and premisses in Aighton aforesaid, are holden, and at the time of the death of the said H. Starkie were holden of our said Soueraigne Ladie the Queene, as of her Duchie of Lanc. by Knights service, that is to say by the fourth part of a Knights fee. And that the said messu. lands, tenements, and premisses in Claughton in Amoundernes aforesaid, in the Countie of Lanc. are holden, and at the time of the death of the said H. Starkie, were holden of our sayde Soueraigne Ladie the Queene, as of her said Duchie of Lanc. by Knights service, that is to say, by the fourth part of a Knights fee. Wherein, that is to say in the tenures so found, the saide office is false and untrue: for your suppliant doth and will averre, that the saide messuag. lands, and tenements in Aighton in Amoundernes, and Claughton, nor either of them, nor any part thereof, are not, nor were not at the time of the decease of the said H. Starkie, holden of our said soueraigne Ladie the Queene, as of her said Duchie of Lanc. by Knights service, nor by any part of a Knights fee, as in the said Inquisition is, to the great losse, prejudice, and hinderance of your said Suppliant, found and presented. But your Suppliant doth and will averre and prove to this honourable Court, and so will iustifie and prove by good evidences, readie to bee shewed to this honourable Court, That the said messu. lands, tenements, and premisses in Aighton aforesayd, at the time of the death of the said H. Starkie, were holden of H. late Earle of Derby, in free and common socage: that is to say, by fealtie, and

The office hath manaor.

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the rent of three graines of Pepper. And that the said messuages, lands, tenements, and hereditaments in C. in A. aforesaid, are holden, and at the time of the death of the said L. S. were holden of T. B. of C. in the countie aforesaid Esquire, by fealtie onely. And although your suppliāt being wigan at the time of the finding of the said office before the sayde Escheator, did set forth his said antient euidences and late offices found according to the said euidences: and also the opinion of his Councell in writing touching the same, that your suppliants lands are holdē in maner and forme afore by your suppliant alleaged; yet the said Escheator R. P. yet feodarie to her highnes of the said Countie, of late, for certain respects to themselues best knowne, did informe, inhort, and incense the said Iurie, that the said euidences did not proue the said tenures in socage, whereupon the said Iurie did find for her Maiestie, as aforesayd. And forasmuch as the said office so vntruly found, doth tēd to the great losse, preiudice, and hinderance of your said suppliant and his heires for euer. May it therefore please your good hon. to grant to your suppliant her Ma. Processe of priuie seale to be directed to the said E. L. Escheator of the said Countie of Lancaster, and to the said R. P. and to either of them, to shew such matter as they can for her Maiestie to proue the said tenures, that vpon the view of the same and of your suppliant his euidences, your hon. may be satisfied. And then to licence your suppl. for the preseruation of right and inheritance to trauerse the said vntrue office touching the tenures aforesaid. And your suppl. as neuertheless by dutie bounden, shal daily pray to God for the increase of your honour.

A nInformation for the value of the marriage of a Ward maried after the fathers death

To the right honourable &c.

Sect. 11.

I Informeth your honour T. H. Esquire, her Maiesties her Attorny of highnesse Court of W. and L. That whereas one I. H. of F. in the Countie of F. deceased, and R. H. his sonne and heire apparant, were in their life time, or the one of them was lawfully seised in their, or the one of their demesnes, as of fee taile, of and in nine messuages, &c. with the appurtenances in the Townes hips, Villages, and hamlets, of F. L. &c. and in diuers other Townes and places within the sayde Countie of S. and of and in foure acres of Land lately encroched and taken out of the waste grounds lying in the said Townes, and of and in diuers Messuages, Lands, and Tenements, to your said Atturney vnknowne. All which premisses, or the most part thereof at the time

of

of the deaths of the said I. Y. and R. Y. were and still are holden of the M. Maiestie in capite by knights seruice, or otherwise by knights seruice, as of some of her highnesse honors or manors. And afterwards the said F. Y. had issue I. Y. and of such estate died seised of some part of the said premisses, with the appurtenances, the reasons whereof are yet vnknowne to the said Attorney. And afterwards the said I. the grandfather, of the residue of the premisses of such estate died seised. By and after whose deceases the same premisses discended and came respectiuely, as of right they ought to discend and come vnto I. Y. as sonne and next heire of the said R. Y. son and heire of the said I. (which R. died in ỳ life time of the said I. his father) liuing I. his sonne within the age of xxj. yeres, viz. of the age of fiue yeres, or thereabouts, at the time of his decease, and at the decease of the said I. the grandfather, of the age of xb yeres, eight moneths, and xb dayes or thereabouts. By reason whereof and of the tenures of the said lands, her high. is or ought to haue bin intituled to the custodie, wardship, and marriage of the said I. Y. and to the reuenues, issues, and profits of the said lands growing due since the decease of the said R. and I. Neuertheless so it is, &c. that the said I. Y. E. Y. his mother, the late wife of the said R. Y. and A. Y. brother in law of the said I. the ward, and P. Y. haue not onely entred and intruded into all and singular the premisses, and the rents and profits therof taken euer since the deaths of the said I. Y. and R. his sonne, and vsed diuers other sinister and indirect practises to defraud her Ma. of the said wardship, but haue maried the said ward since ỳ decease of the said R. and haue gotten into their hands and possessions all or the most part of the deeds, charters, and euidences late the said I. and R. Y. touching or concerning the premisses. By which the certaintie of the said I. and R. his estate and her Ma. title and tenure might appeare, by means whereof, and of concealing the foresaid euidences and writings, a sufficient office cannot be prepared and found for the intuling her M. to the forf. and value of the marriage of the said I. Y. and profits of his lands, without sight and perusall of the said euidences, deeds, and charters: may it therfore please your hon. the premisses considered, to grant her M. most gratious writ of priute seale, w̄ a duc' tec' there to be contained, to be directed to ỳ said I. Y. his mother Y. & P. Y. cõmãding thẽ therby at a certaine day, and vnder a certain pain therein to be limitted, personally to be and appeare before your hon. then and there to answer the premisses alwell touching the value and marriage of the said I. as the profits of the lands late of the saide I. Y. the grandfather, and R. the son, by them receiued, and grew due to her Y. since the deaths of the said I. Y. and R. Y. but also to bring with them all and singuler the deedes, charters, escripts, muniments, and writings they haue or can lawfully come by any way, touching or concerning any the said messuages, to the end the

same may be perused on her maiest. behalf for the preparing and finding of an office for her maiestie &c.

An information for the title of an Adowson of a Wards land.

Most humbly enformeth your ho. T. Y. Esquire &c. for and on the behalfe of E. S. and M. S. daughters and heirs of T. S. late of B in com Wigorn gent. deceased. That whereas the said T. S. beeing in his life time among other things lawfully seised in fee of and in the aduowson of the Parish Church of F. F. in the said County of W. died thereof so seised holding certain of his lands of her Ma. by knights seruice in Capite, by and after whose decease aswell the saide aduowson as other the said lands whereof the said T. S. died seised, did discend and come as the same of right ought to discend and come vnto the said E. S. and M. S. his said daughters and heires as by office thereof found at P. in com W. the 16. day of Jan. ann 36. E. returned into her highnesse Court of Chancery, & there remaine of Record, and from thence transcripted into this most ho. court (whereby the said premisses are particularly found) may appeare. By force whereof her maiesty is lawfully possessed of the wardship of the body and lands of them the said E. & M. as to her highnesse prerogatiue & meer right appertaineth, and whereas the said Church of F. F. beeing lately become void by the death of T. W. the last incumbent there, whereby it doth appertaine to her maiestie to present to the same Church, and accordingly her maiestie by the master of this Court, hath in right of the said wardship presented one G. S. Clerke to the said Church, yet so it is right hon. that one R. S. of B. in the said countie of W. Esquire hauing by casuall or vnlawfull meanes gotten into his hands or possession the euidences, charters, and writings which concerne the inheritance of the saide aduowson, of right belonging to her Ma. said wards by colour of hauing of the said euidences, doth pretend title to the said aduowson & to this presentation in his owne right, & doth goe about not onely to defeat & depriue her M. of her right to this presentation of the same Church, but also the saide wards of their inheritance therein, & to that end & purpose hee the said R. S. hath of late dealt with one A. L. gent. who was heretofore ỳ only dealer & procurer of the said office to bee found, and was imployed and followed all matters concerning the same for and in the behalfe of the said wards & had al such writings, & euidences, as concerned the inheritance of ỳ said wards, deliuered by their friends into his hands, custodie, or possession, for ỳ better effecting & prosecuting therof, & did thereupon shew forth & produce verie sufficiẽt & pregnãt proofe & matter to ỳ jury ỳ ỳ said T. S. died seised in fee of ỳ said aduowson, & ỳ the same did after his death accordingly discend & come to the said wards, & yet now lyeth vpon the said combination wth the said R. S. & vpon some secret com-

Sect. 7.

compoſition betweene thē he the ſaid A.L. hath deliuered all or the moſt part of ẏ writings & euidēces into ẏ hands & poſſeſſiō of the ſaid R.S. And doth now giue out that the inheritance of the ſaid aduowſon doth of right belong vnto him the ſaid R. and doth animate and encouage the ſaid R.L. thereunto, and doeth goe about and endeauour to maintaine his right & title in and to the ſame againſt the ſaid Wards, albeit he the ſaid A.L. doth well know that the ſaid T.S. died ſeiſed thereof accor-ding to the ſaide Office; and that the inheritance of the ſame ought of right to diſcend and come to the ſaide E. and M.S. as daughters and heires of the ſaid T. And further maintaining of the ſaide pretended right, hee the ſaid R.S. hath dealt with one H.D. Clerke, who at the firſt & alſo after the death of the ſaid late incumbent, acknowledging her maieſties right of preſentation to the ſaid aduowſon in the right of the ſaid Wards, did procure vnto himſelfe a preſentation from her Maieſt. by the right honorable the L. Keeper of the great Seale of Engl̄d. But now through the perſuaſions of the ſaid R.S. he the ſaid L.D. hath re-nounced the ſame former preſentation from her Ma. and hath taken a new preſentation thereof from the ſaid R.S. and by colour therof ſeeketh to be inſtituted and inducted in and to the ſaid rectory vpon ẏ ſaid preſentation from the ſaid R.S. And doth acknowledge and affirme the ſaid R.S. to be patron thereof, and to haue the ſaid right & inheritance of and in the ſaid aduowſon, and now denieth both her M. right of pre-ſentation thereunto, and the inheritance of the ſaid Wards, contrarie to all Law and Equitie. In tender conſideration whereof, and foraſ-much as the preſentation aforeſaid, made by the ſaid R.S. tendeth to her Ma. great preiudice in her manifeſt and iuſt right to ẏ ſame imme-diate preſentation to her Highneſſe belonging, during the minoritie of the ſaid Wards, & that her maieſty is not onely thereby like to loſe the benefit thereof, but alſo the ſaid Wards, their inheritance of the ſaide aduowſon. And for that all the poſſeſſions, rights, and inheritances of her Highneſſe Wards, are within the ſurney, order, rule, gouernment, and iuriſdiction of this hon. Court, & are here properly to be heard, exa-mined, iuſtified, and ordered. May it therefore pleaſe your honour to grant her Maieſties moſt gratious Writ of priuie Seale to be directed to them the ſaid R.S. A.L. and H.D. commanding them thereby and either of them at a certaine place and vnder a certaine paine therin to be limitted, perſonally to come and appeare before your Honour in her maieſties ſaid Court of Wards and Liueries, then and there to make anſwere to the ſaid premiſſes, and to ſtand to and abide ſuch order and direction therein as to Iuſtice appertaineth.

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An Information for the relieſe of an Adminiſtrater of the Anceſtor of the Qu. Wards.

To the right honorable Sir R. C. Knight, principall Secretarie to the Queenes moſt excellent Maieſtie and one of her Highneſſe moſt honorable priuie Counſell, &c.

Sect. 14. IShewmeth your honor, T. P. Eſquire Attourney generall of her Maieſties ſaid Court of Wards and Liueries, That where A. C. widow, late wife and adminiſtrator of R. C. deceaſed, did ſtand indebted to the Queenes moſt excellent Maieſtie in diuers ſummes of mony in her Highneſſe Court of Wards and Liueries, that is to ſay in the ſumme of 360. li. for the fine of the mariage of R. C. her Maieſties Ward, ſonne and heire of the ſaid R. C. deceaſed, in the ſumme of 110. li. for the fine of a leaſe to her the ſaid A. C. by her Highneſſe grant of the lands of the ſaid R. C. her Maieſties Ward. And where T. P. late of D. in the countie of B. Eſquire deceaſed inteſtate, did ſtand bound by their ſeuerall Obligations to the ſaid R. C. deceaſed, that is to ſay, in two thereof of 500. li. apeece, and the third of 200. li. as by the ſaid ſeuerall Obligations, two whereof doe beare date the firſt day of June, in the two and fortieth yeare of her Maieſties moſt gratious raigne, and the third, the firſt day of June, in the ſaid two and fortieth yeare of her highneſſe ſaid raigne, which ſaid three ſeuerall Obligations were forfeited by him the ſaid T. P. to the ſaid R. C. deceaſed, whoſe adminiſtrator the ſaid A. C. is, as aforeſaid, and where her Maieſtie was contented and pleaſed to accept and take the ſaid three ſeuerall obligations by aſſignement from the ſaid A. C. for and in lieu toward the ſpedier and more readie paiement and ſatiſfying of the ſaid ſummes of mony ſo due vnto her Maieſtie by the ſaid A. C. and ſhe the ſaid A. C. did thereupon for the full ſatisfaction and payment of the ſaid ſumme ſo due vnto her highneſſe by her deed in writing vnder her hand and ſeale, and of record in the Court, as in ſuch like caſes hath beene vſed, grant, aſſigne, and ſet ouer vnto our ſaid Soueraigne Lady the Queenes Maieſty, her heires and ſucceſſors, the aforeſaid three ſeuerall obligations. And all the ſaid debts, and ſummes of mony thereby due vnto her the ſaid A. C. as adminiſtratrix of the goods and chatteis of the ſaid R. C. her late husband deceaſed, which ſaid aſſignement was allowed and accepted of by order and decree of this Court, made the tweliſe day of Februarie, in the three

and

and fortieth yeare of her Maiesties raigne. And the said T.P. died intestate before hee did satisfie or pay any part of the said summes in the said seuerall Obligations mentioned, to bee assigned as aforesaid, to our said Soueraigne Ladie the Queenes Maiestie. Now so it is if it may please your Honour, That the sayd T. P. at or neere about the time of his decease, was seised of diuers and sundrie Manors, Lands, Tenements, and Hereditaments in the said Countie of B. and in other places within the Realme of England, the certaintie whereof her Maiesties said Attorney doth not know which were verily meant and intended by him the said T.P. should be sould, or otherwise disposed of, for the payment of his debts, especially of the said debts were due to the said K.C. and assigned to her Maiestie, as is aforesaid, and also was likewise possessed of plate, iewels, readie monie, houshold stuffe, cattell, and horses, and of diuers and sundrie other goods and chattels of the value of three thousand pounds, or thereabouts, the particulars whereof, her Maiesties said Attourney doth not know, all which were liable to and for the payment of the said debts of the said T.P. All which sayde Manors, lands, Tenements, and hereditaments, are since the decease of the sayd T. P. by vertue of some conueyance in trust, made by the said T.P. deceased, to the purposes and vses aforesaid, come to the hands and possession of P. the elder, now of D. in the said countie of B. Esquire, father of the said T.P. deceased, C.P. of the middle Temple London Esquire, L.D. of London Esquire, W. M. of London Merchant, T.P. the younger, Esquire, sonne and heire of the said T.P. deceased, R.P. of D. aforesaid Gentleman, and of G. F. of in the Countie of B. aforesaide, or of some of them, who haue entred into the said Lands, Tenements, Manors, and hereditaments, and haue and doe still conuert the profits thereof to their or some of their owne vses. And also all and euery the said plate, iewels, readie money, houshold stuffe, cattell, horses, & other goods and chattels of the said T.P. deceased, come to the hands of the said T.P. the elder, C.P. L.D. W. M. T.P. the younger, R.P. and G. F. or to some of them, who without any administration to them or to any of them committed, haue and doe still conuert the whole benefit of the said plate, iewels, and other the goods and cattels aforesaid, to their or some of their owne proper vses: and whereas the said T.P. was a little before, and neere the time of his decease, in speech and communication with the said W. M. for a matriage to be had and solemnised betweene the said T.P. the younger, then sonne and heire apparant of the said T.P. deceased, and M. the daughter of the said W. M. for which there was agreed to bee payd by the said W. M. to the said T.P. the summe of two thousand and fiue hundred pounds, for the true paiment whereof the said W. M. became

bound

bound to the saide E.P. in the summe of fiue thousand pound, or some such like summe, the certaintie whereof her Maiesties said Attorney doth not know, for the payment of the saide summe of fiue hundered pound, at certaine dayes then to come, which bond was made to the said T.P. the elder, E.P. T.D. T.P. the yonger, R.P. and G.F. or to some or one of them in trust, to and for the proper vse and behoofe of the said T.P. deceased, his executors and administrators. And forasmuch as the said Mannors, Lands, Tenements, and Hereditaments, plate, iewels, readie money, and other the goods and chattels aforesaid, late the said T.P. are and ought to be in all equitie and good conscience liable to and for the payment of the said debt of the said T.P. deceased. And also forasmuch as the said summe of two thousand and fiue hundred pound, which the said bond was made by the said W.M. was for the proper debt and dutie of the said T.P. deceased, which if it had beene made to the said T.P. deceased, himselfe would haue been liable in the hands of the administrators of the said T.P. deceased, for the payment of the said debts assigned, as is aforesaid, to the M. Maiestie. And forasmuch as the certaintie of the said lands, goods, and chattels, are best knowne to the said T.P. the elder, E.P. T.D. W.M. T.P. the yonger, R.P. and G.F. or to some of them, and that they can and will declare the truth of all the premisses vpon their oaths. And forasmuch as her Maiestie is without remedie to recouer the saide debts assigned to her, as is aforesaid, without the ayde and assistance of this honorable Court, but is like to be defeated thereof, vnlesse this Court take some order for some due remedie to bee had therein out of the said goods and chattels, lands and tenements, of the said T.P. according to the trust and true meaning of the said T.P. toward the payment of the debts aforesaid, so due to her Maiestie, whereof her Maiesties sayde Attourney doth enforme this honorable Court, and prayeth the ayde and aduice of this Court in the premisses. It may please your honour to award her Maiesties processe forth of this honorable Court to them the said T.P. the elder, E.P. T.D. W.M. T.P. the yonger, R.P. and F. and euery of them, thereby commanding them and euerie of them, to appeare in this honorable Court, at a certaine day, and vnder a certaine paine, in the said Processe to be limitted, then and there to answere the premisses, and to set downe vpon their oaths, what Landes and Tenements, goods, chattels, and summes of money which were the said T.P. in the time of his sickenesse whereof hee dyed, or neere the time of his death, or what bils or bonds for debts due to the saide T.P. deceased, haue come to their or any of their hands, and of what value they were, or either, or any of them, are or then were, and where the same Lands, Tenements, Goods, Chattels, and Debts, doe lye

and

and are. And by what title they or any of them doe claime the Lands, Tenements, Goods, Chattels, and Debts, and to what or whose vse or vses. And to what trust and confidence, and vpon what considerations they or any of them doe claime the same, to the intent that her Maiesty may be satisfied of the said sums of money and debts, due to her highnesse, and to abide your honors order therein, as to equitie shall appertaine. And the said L. H. shall pray &c.

An Information for detaining of euidences, and concealing the Tenure of the lands of a supposed Ward.

To the right Honorable Sir Robert Cecill, Knight, principall Secretarie to her Maiestie, and Master of her Highnesse Court of Wards and Liueries.

Sect. 15.

Sheweth vnto your Ho. Thomas Hesketh Esquire her maiesties Attorney of this Court, for and on the behalfe of her Maiestie, That whereas one Richard ap Rowland ap Hugh late of Mathauerne in the Countie of Mountgomerie Gentleman, deceased, was in his life time lawfully seised in his demesne as of fee, or fee taile, of and in diuerse &c. and of and in other lands, tenements, &c. vt sequitur. And whereas one Rowland ap Hugh late of Mathauerne in the Countie of Mountgomarie Esquire, and Richard ap Hugh his sonne likewise deceased, was in his life time also lawfully seised in his demesne as of fee, or fee taile, of and in diuerse manors, messuages, lands, tenements, and hereditaments, with their appurtenances to the same belonging, being in the Commotes, Townships, and Parishes of Arwestlie, alias Arustley, Reuellwck, alias Caullwck, Mathauerne, Llanwozin, Kemyes, Mouthey, and Machlloyd, in the Counties of Salop, Mountgomerie, and Merioneth, and of and in other lands, tenements, and hereditaments, with their appurtenances in other places, to her Maiesties said Atturney yet vnknowne, all, or the most part whereof are holden of her Maiestie by Knights seruice in Capite, or of some of her Maiesties Honors, Castles, or Manors, by Knights seruice onely: And that the said Rowland ap Hugh, and Richard ap Rowland ap Hugh, or the one of them, being of all and singular the premisses so seised, died of such an estate seised, about yeares last past, By and after whose deceases, the same premisses discended and came, as of right they ought to discend and come, vnto one Rowland

Rowland ap Richard ap Hugh, then & yet within the age of 21 yeres, as ſonne and heire of the ſaid Richard ap Row. ap Hugh, & as coſin and next heire of Row. ap Hugh (ỳ is to ſay, ſon and heire apparant of the ſaid Rich. ap Row. ap Hugh) ſonne and heire apparant of the ſaid Ro. ap Hugh. By reaſon whereof, her Maieſtie is lawfully intituled to the wardſhip of the body and lands of the ſaid heire. But ſo it is, if it may pleaſe your honor (as the ſaid Attorney is informed) That one Rich. Price of Gotharhan in the ſaid Countie of Mountgomorie Eſquire, the ſaid Row. ap Richard ap Hugh, I. Loyd ap Dauid gentleman, and Reynold Williams Eſquire, Tho. Stanton, and Rich. Smith gent. haue gotten into their hands and poſſeſſion, the deedes, charters, & eſcripts, muniments, and writings, by which the eſtates and tenures of the premiſſes doe plainely appeare, and doe thereby (and by other indirect practices) indeauour to conceale from her Maieſtie, the ſaide wardſhip, to her highneſſe great preiudice and loſſe, and to the euill example of others, if remedie ſhould not in this caſe be in conuenient time had and prouided. In conſideration whereof, may it pleaſe your honour to grant her Ma. moſt gracious writ of Priuie Seale, with a duc̃ ſecum therein to be contained, commanding the ſaid Rich. Price, Rowland ap Rich. ap Hugh, I. Loyd ap Dauid, Reynold Williams, Thomas Stãton, and Rich. Smith, and euery of them, perſonally to be and appeare before your honor, in her Ma. ſaid Court of Wards and Liueries at a certaine day, and vnder a certaine paine thereinto to be preſſed, and to bring with them thither, and there to deliuer all ſuch deeds, charters, euidences, eſcripts, muniments, court rolles, and other writings whatſoeuer, as are remaining in their or any of their hands or poſſeſſions, or in the hands or poſſeſſion of any other by their or any of their conſents, knowledges, or deliuerie, which they or any of them may lawfully come by any way concerning the premiſſes, or any part thereof, to the end the ſame may be peruſed by this honorable Court, for the finding of an office for her Maieſtie accordingly.

An Information against certaine persons, for unlawfull intruding upon a supposed Wards Lands, and cutting downe his woods with other wastes committed.

To the right honourable &c.

Sect. 16.

Sheweth and informeth your ho. sir I.L. knight, his Ma. Attorney of his Maiesties said court of Wards and Liueries, That whereas John L. Esquire late deceased, was in his life time lawfully seised in his demesne, as of fee, of and in diuers mannors, lands, and woodgrounds, with their p̄tenances in Newent Wolleston, alias Wolston, Congley, Wattantley, Ottenhall, and Kilcot, in the Countie of Glouc̄ester and elsewhere, to the said Attorney as yet vnknowne. And the said I.L. being of all & singular the said p̄misses seised as aforesaid, in or about [illegible] yeres last past, of such an estate therin died so seised, Wil. L. being his sonne and next heire, and within the age of 21. yeares, that is to say, of the age of [illegible] yeares, or thereabouts, at the time of the death of his said father. All which mannors, landes, and woodgrounds, or the most part thereof, now are, and at the time of the death of the said I.L. were holden of his M. in chiefe by knight seruice, or otherwise by knight seruice, as of some of his Ma. honors, or manors. By reason whereof, and of the said tenure, his Ma. ought to be intituled by office after the death of the said I.L. the father to the custody, wardship, and mariage of the said heire, and to the rents, issues and p̄fits of all the said p̄misses, for and during his minoritie, and after his full age, vntill liuery sued out of his said Ma. hands, of and for the said p̄misses. But now so it is, may it please your good Lo. as the said Attorney is informed, That E.L. Esquire, Sir T. C. E. Gent. I.C. and Wil. I. a Taylor, K. Wil. alias D. and A. his wife, and diuers other persons, whose names are as yet to his Ma. said Attorney vnknowne, and which he prayeth may be inserted in this information, haue since the decease of the saide I.L. the father, by vndue meanes gotten into their hands, custodie, and possession, all the deeds, writings, and euidences, touching and concerning all the saide p̄misses, whereby his Maiest. said tenure, and title of and to the custody and wardship of the bodie and lands of the said heire doth and may appeare. And by colour thereof, haue wrongfully entred and intruded into and vpon the possession of all the said p̄misses, and the rents, issues, and p̄fits thereof, haue euer since the decease of the said I. the father, taken, perceiued, and yet doth take and perceiue, and the same conuert to their owne vse: and haue hitherto by like vndue and sinister meanes, indeauored and gone about to conceale and suppresse his Ma. saide tenure and title, of and to the said custody and wardship of the body and

lands

lands of the said W.L. the heire. And the said E.L. Sir T.C. E. I.C.K.W. alias D. and A. his wife, and W.I. or not contenting themselues therewith, haue since the deceals of the said I.L. the father, made and contriued diuers & sundrie secret estates to themselues & others, of and in the said premisses, and haue committed diuers great decayings of the houses, and felling and cutting downe diuers and sundry woods, and timber trees standing and growing in and vpon the said premisses, and waste and spoyles. And the said K.W. alias D. and A. his wife, as in the right of the said A. or the said A. alone in her widdowhood, haue commenced suit at the Common law, against the Tenants of the sayd lands for the dower of the said A. of, in, and out of all the said Landes whereof the said I.L. the father was seised, or died seised, as aforesaid. In consideration of all which premisses, and for that the aforesayde wastes and wrongs doe greatly tend to the preiudice of his sayd Maiestie, and the manifest disherison of his Maiesties said ward, & are don in contempt and derogation of this ho. Court, and the iurisdiction thereof. And for that a good and sufficient office cannot be prepared and found after the death of the said I.L. for the intituling of his said Ma. to the custodie, wardship, and marriage of the said W.L. the heire, and to the rents, issues, and profits of all the said premisses, for and during his minoritie, and after his full age, vntill liuerie sued as aforesaid, without the sight, view, and perusall of the said deeds, writings, and euidences, and the seuerall answers of ỳ said E.L. Sir T.C. E.I.C.K.W. alias D. & A. his wife, & I. Taylor, had to the premisses. May it therefore please your good Lo. to grant his Ma. most gratious writ of priuie seale with a ducens fecum, to be directed to the said E.L. Sir T.C. E.I.C.K. W. alias D. & A. his wife, and W.I. taylor, and to euery of them, commanding them, and euery of them thereby, at a certaine day, and vnder a certaine paine therein to be limitted, personally to be and appeare before your good L. in his Ma. said court of Wards and Liueries, then and there to answer the premisses, and to set downe vpon their oathes, what deeds, writings, and euidences, touching or concerning all or any the said premisses, haue at any time come to their hands, custodie, or possession, or to the hands, custodie, or possession of any other person or persons whatsoeuer, by their deliuerie, consent, or procurement. And also what estate, title, or interest, they or any of them haue, or pretend to haue, of, in, or vnto all or any the said premisses. And to stand to, and abide such further order and direction touching the same, as to your good Lordship shall seeme most agreeable to iustice and equitie. And also to grant his Maiest. most gratious writ of Iniunction, to be directed to the said E.L. Sir T.C. E.I. Couchet. Woodhull alias Odell, and A. his wife, and Jenken Taylor, their seruants and workes-

men, and to euery of them, ioyning them thereby to ſtay & ſurceaſe from cutting or ſelling downe any of the woods or timber trées ſtanding or growing in or vpon the ſaid premiſſes, and not to carrie away from the ſaid premiſſes any woods or timber trées which are alreadie ſelled and cut downe. And alſo to be directed to the ſaid Wadhull, alias Odell, and Anne his wife, their Councellors, and Attornies, and ſolicitors, and to euery of them, iniojning them and euerie of them, thereby to ſurceaſe & ſtay from further proceeding in the ſaid ſuit cõmẽced by the ſaid Wadhul, alias Odel, and Anne his wife, againſt the tenants of the ſaid lands as aforeſaid, vntil they haue anſwered this Information, and this hon. Court taken further order therein.

A Bill for the deliuerie of a Releaſe, and other Euidences into the Court to preſerue the inheritance of the heire

To the right Honorable, &c.

Sect. 17. SHeweth vnto your hon. Lo. your humble ſuppliant H. C. Eſquire, That whereas John Quick of the parish of S. James neere Taunt, within the County of Somerſet, was in his life time lawfully ſeiſed in his demeſne as of fée, amongſt diuers other lands, of and in certaine lands, tenements, and hereditaments, lying and being in Caſtpemad within the countie of Somerſet aforeſaid, and ſo beeing ſeiſed, about 7 yeres laſt paſt, for diuers good cauſes and conſiderations thereof, did infeoffe Thomas H. Eſquire, John C. Eſquire, Edmond H. Gentl. Roger Ch. Gentl. Thomas G. and William Collard, to haue and to hold, for them, their heires, and aſſignes for euer. By force of which feoffement, the ſaid feoffées were of the premiſſes iointly ſeiſed to them and their heires. And ſo beeing ſeiſed, the ſaid Edmond Huddie, ſhortly after died, and the ſaid other Feoffees aforeſayd, them held in the premiſſes by right of ſurviuour. And the ſaid Thomas Mallet, John Coles, Rob. Chap. Thomas Gib. and William Collard, ſo beeing iointly ſeiſed to them and to their heires, the ſaid John Coles, Robert Chaplin, Thomas Gibbon, and William Collard, by their ſufficient deede in writing, did remiſe and releaſe vnto the ſaid Thom. H. their ioynt feoffée, and his heires, all their right and title, in and to the aforeſaid Lands, Tenements, and Hereditaments, in Caſtpemard aforeſaid in his demeſne, as of fée, and ſo beeing ſeiſed, of ſuch eſtate dyed ſeiſed about halfe a yeare laſt paſt, after whoſe deceaſe, the ſame diſcended and came, as it ought, to

diſcend

discend and come vnto Wallet, his sonne and next heire, beeing at the time of the decease of his said father of the age of fiue yeres or therabouts, by reason whereof, and for that the said lands, tenements & hereditaments, are holden of the Queens Maiestie, by knights seruice in chiefe, as by diuerse Records ready to be shewen to this hon. Court doth and may appeare: the custodie, wardship, and mariage of the bodie and lands of the said Wallet of right appertaineth to her highnesse. But so it is, if it may please your good Lo. that A. C. Esquire, R. Chapl. Gent. Tho. Gibbons, and William Collard, haue gotten into their hands and custodie, the aforesaid deed of release, whereby the lands, tenements, and hereditaments in Calkpennard aforesaid, were assured vnto the aforesaid T. W. and his heires, pretending by vsing and keeping the said release, that the right and title of the said Ward, in and to the aforesaid lands, tenements, and hereditaments, should no way appeare, but be concealed, to the defrauding of the Qu. Maiestie, and to the disherison of the said Ward, if speedie remedie be not therein prouided by order of this honorable Court. And also haue likewise gotten into their hands diuers other deedes, indentures, and writings, concerning the said lands, of right appertaining to the said Ward. In consideration whereof, and forasmuch as your said suppliant cannot proceed further to intitle her Ma. by office vnto the said lands, without sight, or hauing the said deed of Release, and other deedes, and euidences aforesaid: It may therefore please your good Lo. to grant the Qu. maiesties writ of priuie Seale, to be directed vnto the said Io. Coles, Roger C. T. Gib. and W. C. commaunding them, and euery of them, immediately vpon the sight thereof, not onely to appeare in this hon. Court to answere the premisses, but also to bring with them the said deed of Release, made by them vnto the said Tho. Wallet, father of the Ward, and also the said writings, deeds, and indentures aforesaid. And further to stand to and abide such order & direction concerning the premisses, as to your good Lordship shall seeme most meet and conuenient. And your said suppliant also prayeth processe against &c. immediately to appeare in this Court, to answer such Interrogatories concerning the premisses, as shall be exhibited against them at their comming, in the behalfe of the said Ward.

A Supplication not to haue the bodie of a Ward disturbed vntill the truth of the office may be examined.

Sect. 18. IT pleased your honor in the end of the last Terme to grant a Commission to enquire after the death of Hugh Westock within the counties of Chester. By vertue whereof an office is found and returned for the Queenes M. whereby the sonne and heire of the said H. is claimed to be in ward to her highnesse, and granted by your honor vnto one of the sonnes of my Lady M. who hath sold him ouer vnto one Master G. for that the said office was verie indirectly found and gotten, in that the Commissioners there sitting, vtterly reiected, and would not suffer any euidences to be giuen or shewed forth for the Infant, as also receiued the verdict of the foreman of the Iurie, the rest of the Iurors, or the most of them not consenting, but denying their assent thereunto, as is manifestly to bee proued: and for that in truth the Infant ought not to bee in Ward to her highnesse, as by his Euidences may plainely appeare.

My humble suit vnto your good Lordship, on the behalfe of the sayd Infant is, that his body and lands may not any waie bee disturbed by such title of wardship, vntill the truth of the tenure & proceedings may be examined in the Court of Wards, where I haue prayed licence to trauerse and auoid the said office so found as aforesaid, which shall bee prosecuted with all speed and effect.

An Iniunction to auoid possession vpon a Lease.

Sect. 19. WEe will and command you and euerie of you, all excuses & delaies set apart, forthwith vpon the receit, sight, or knowledge hereof, to auoid from the possession & occupation of one capitall messuage or tenement called Bromny, with certaine houses there standing, 120 acres meadow, 100 acres pasture &c. with the appurtenances in our countie of Caermarthen, being found by office to bee parcell of the inheritance of Will. ap Morgan, sonne and heire of Morgan ap Dd. amounting to the summe of 117. li. rij. d. and the same Landes in our hands and possession doe yet continue, for lacke of Liuerie to bee sued of the same out of our hands by the saide William ap Morgan. And that you, and euery of you, doe permit and suffer Euan ap Howell, Owner or Farmer thereof, and his assignes, quietly to haue, hold, occupy, and enioy the same premisses, and euerie part thereof accor-

according to the tenure of our demise and grant to him therof made, vnder the seale of our Court of Wards and Liueries, bearing date the third of this moneth of June, without let, molestation, deniall, or interruption of you, or any of you, or any other by your means, assent, or procurement. Or else that you and euery of you be and personally appeare before the Master and Councell of our said Court at Westm. the third day of July next comming, then and there to answer vnto al such matters as shall be obiected against you and euery of you on our behalf. And faile you not, &c. Giuen, &c.

An Iniunction to stay from cutting downe of Woods.

WE will & command you and euerie of you, al excuses & delayes set apart, to be and personally appeare before the Master and Councell of our Court of Wards and Liueries at Westm. Oct' Hill next comming, then and there to answer to all such matters as shall be obiected against you and euery of you by E. D. And further, that you & euerie of you from henceforth do forbeare to fel, cut downe, or carrie away, or cause to be felled, cut down, or caried away any woods or vnderwoods standing, growing, or being in and vpon one parcell of wood ground called Kwts, in our Countie of Salop, late the lands of I. B. Esquire deceased, vntill you shall receiue further order therein from the Master and Councell of our said Court. And faile you not the accomplishment hereof, vpon paine of you and euery of you 200 li. Giuen vnder & seale of our said Court the 13 day of June in the 32 yeare of our raigne. Sect. 20.

Alia forma.

WE will &c. forthwith vpon sight, knowledge, or receit hereof, to surceasse and stay the cutting, felling, and carrying away of any timber wood, or vnderwood, in or out of Acreton wood, called Wrather Croft, within our countie of Linc. being parcell of the lands & possessions of Tho. Goward, vntill you shall receiue further order from the Master and Councell of our Court of Wards and Liueries concerning the premisses, not failing, &c. Giuen, &c.

A Bill for an Iniunction to auoid from Landsound by effect.

To the right Honourable, &c.

Sect. 21.

HVmbly sheweth vnto your good Lo: Iane W. Committée of Richard W. her Highnesse ward, That whereas it appeareth by office taken after the death of George Vernie, father of the said Ward, that the reuersion of the manor of Ninfield, with the appurtenances within the County of Glouc. did discend vnto the said Ward after the death of his father, and that one Katherine L. was Tenaunt for terme of life of the said manor, the reuersion whereof to the said heire. And whereas the Qu. Ma. by Indenture vnder the Seale of her Highnesse Court of Wards and Liueries, dated the 5. day of December in the xxij peere of her highnesse raigne, hath among other things demised to the right honorable Rob. Earle of Leic. the said manor of Ninfield, with the appurtenances within the said Countie of Glouc. to haue and to holde from the death of the said Katherine during the minoritie of the said heire, yeelding and paying therefore yearely, as in the said Indenture readie to be shewed vnto your good Lordship more at large appeareth. The state and interest of which said right honorable E. Earle of Leic. of and in the said manor with the appurtenances, is by good conueyance in law, assigned vnto your said Suppliant. And whereas further, since the said conueyance and assignement made, that is to say, the fourth day of May, in the viij yeare of the raigne of our Soueraigne Ladie M. Eliz. the said K. Lingen being tenant for terme of life of the said manor, with the appurtenances is deceased, whereby the said reuersion is discended in possession to the said Ward, and so belongeth vnto your Lord. said Suppl. by vertue of the assignement aforesaid. But sait is right hon. that one R. W. of Ninfield in the sayde county of Glouc. of his owne wrong, and without any title, hath not onely entred into the said manor of N. with the appurtenances, and expulsed your Suppliāt and with diuers riotous and disordred persons, doth detaine and keep the possession thereof against your said Suppl. But also during his said wrongfull possession, hath cut downe great store of Timber trees growing vpon the premisses, and them carried away and conuerted to his owne vse. And yet ceaseth not to continue the said spoile and waste, together with his wrongfull possession in the said manor, to the great preiudice and disheritance of the sayde Ward, and hinderance of your said Suppl. who ought to haue the possession of the said lands, by vertue of the lease thereof, vnto the right hon. Rob.

Earle

Earle of L. as aforesaid, and the assignement of the said Lease vnto your said suppliant, made as aforesaid, and so much the rather for that the same lands are found by office to appertain vnto the said Ward in possession after the death of the said R. In consideration whereof, it may please your good Lo. to grant the M. Maiesties writ of Iniunction, to be directed vnto the said R. H. and all other persons, to avoid from the possession of the said Mano^r of D. with the appurtenances, and to permit your said suppl. quietly to have and enioy the same during the minority of the said ward, according to the graunt aforesaid to her thereof made. And further to prohibit them and euery of them not to sel or carry away wood or timber trees growing or being vpō the premisses, vntil further order shall be taken by your good Lo. and your said suppl. shal daily pray for your honour.

A Bill of Complaint for an Iniunction to stay a suit at the Common Law.

To the right Honorable, &c.

Sect. 23. SHeweth vnto your good Lordship H. D. Esquire, That whereas the wardship, Marriage, and marriage of T. H. sonne and heire of W. H. Esquire deceased, was about fiue yeares last past, by the Master and Councell of this honourable Court, graunted vnto your said suppl. and whereas your said suppl. hath by one Indenture couenanted with the said Master and Councel, amongst other things, that if at any time during the minorities of the said T. any strip, waste, spoile, disorder, or incrochment be done or made vpon the inheritance of the said Ward, or that any hurt or hinderance is intended, or may any way grow vnto the said Ward during his minorities, that your said suppl. forthwith vpon knowledge thereof had, should certifie the same vnto the said Master & Councell, and prosecute forth their order for reformation thereof. And whereas the said T. H. yet being within age, is lawfully possessed of fortie acres of Inmarsh, called Lynwods, and forty acres of outmarsh called Lynwods Outmarsh in Wonden within the County of Eller, for terme of diuers yeares yet to come, of which said premisses one Richard Clerke is also termour vnto the said ward. So it is right Honourable, That one Thomas Lodge pretending title to the said foure score acres of Marsh in Wonden aforesaid, hath lately brought an Ejectione firmæ in her Maiesties Court, commonly called the Kings Bench, against the said Richard C. for the lands which he holdeth as aforesaid,

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pretending by some feignes title to recouer the said lands against the said M.C. to the great losse and hinderance of the said wards being within age, and so vnable to defend the same, if speedie remedie and redresse be not prouided by your good L. It may therefore please your ho. Lo. the premisses considered, to grant her Ma. writ of Iniunction to be directed to the said T.L. his Councellors, Attornies, &c. and euery of them, commanding them &c. thereby vnder a certain paine therein to be limitted, to surcease any further to proceede or call vpon the said suit. And your said suppliant shall, &c.

A Bill of petition into the Court of Wards for the continuance of the tenure of Liuerie.

To the right Honorable Sir W. C. of the most noble Order of the Garter Knight, Lord high Treasurer of England, and Master of her Maesties Court of Wards and Liueries.

Sect. 23. BEseecheth and praying your good Lordsh. Y. Earle of Y. that whereas the said Earle tendred his Liuerie vnto your good Lo. the 28 of September, in the 18 yeare of the raigne of the Queens Ma. that now is, for all the manors, lands, tenements, and hereditaments, which descended vnto him after the decease of A. late Countesse of Y. as son and heire vnto the saide Countesse, the which was graunted to him by your good L. for foure monethes. The prosecution whereof the said earle earnestly laboured, but yet for ꝑ want of the deeds and euidences of most of the said Manors he could not in that time proceed, for without them the tenures and estates of the said mannors could not be found. In consideration whereof a further continuance of the said tender was granted vnto the said Earle vntill the Vtas of this Terme. And now forasmuch as the said Earle could not by any wayes or meanes get the sayd deeds and euidences in conuenient and fit time for the prosecution of ꝑ said Liuerie, for that the said Countesse had by occasion of diuers Suits in law touching the said Manors, deliuered them into the hands of diuers and sundry persons, whereof many were to the said earle vnknown. May it therefore please your good L. that forasmuch as without the said deeds and euidences, the said Earle could not without preiudice aswell to her Maiestie as to himselfe, goe forward in the prosecution of his said Liuerie, to grant vnto the said Earle that he may continue his tender thereof vntill the fifteenth of S. Michael next following.

A Letter to a nobleman to appeare and answer to a Bill in the Court of Wards after not answering upon a former Letter.

After my heartie commendations to your good Lordship, whereas there was a letter frō me directed vnto your Lo. in Trinitie terme last, desiring your Lordsh. to send your Solicitor or some of your counCouncell to take out a copie of a bill or information exhibited against you before me, in his Ma. Court of Wards & Liueries, on the behalfe of T. W. whereunto your Lo. was also required to haue made answer in the beginning of Michael. Terme last, whereby the cause might receiue such speedie triall as to Iustice appertained, and for that I am informed that your Lo. hath not accomplished the premisses, these are therfore effsoons to require you forthwith to do the same, or otherwise to signifie the cause of your stay and refusall in that behalfe, And so I bid you heartily farewell, in her Maiesties said Court, the ninth day of Ianuarie 1606. Sect. 24.

An Information against an Officer at Armes, for pulling downe and defacing the Coate Armor, &c. remaining in a Cathedrall Church belonging to the father of a Ward &c.

To the right Worshipfull Sir W. C. Knight, Master of the Kings Maiesties Court of Wards and Liueries.

Informeth your Mastershippe, Sir I. L. knight, his Ma. Attorney of the same Court, on the behalfe of I. G. Esquire, his Ma. Ward, son and heire of sir W. G. late of B. in the countie of P. Knight, deceased. Whereas by Inquisition taken after the death of the said sir W. G. ar. setting downe the substance thereof, as by the said Inquisition returned into his Ma. high court of Chancerie, and there remaining of Record, and from thence transcripted into this hon. Court more at large appeareth, And the Kings Ma. being of the Wardship of the bodie and lāds of the said I. G. so as aforesaid seised, & to the same lawfully interressed, by consequence whereof the marriage of the said Ward without disparagement belongeth to his Ma. of common right, and consequently is and ought to bee so much the more for his Maiesties profit and auantage, by how much hee the saids Ward is a Gentleman generously Sect. 25.

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discended of antient families and of noble parentage: Yet so it is, that one R. Saint George calling himselfe Norroy alias Nozrey by his office at armes, B.H. and E.B. or some one of them, by the priuitie and consent of the rest, haue of late since the said Inquisition found, that is to say, in and about the second day of Sep. last past, entered into the cathedrall Church of Winton in the citie of W. and then and there most vnlawfully pulled downe and defaced the Coat armor, Creast, Penons, and other the lawfull and approued Enlignes of Gentrie of the said Sir Wil. G. Knight, and which are from him lawfully discended to his W. said Ward, not onely to the said Wards great disgrace & impeachment in his marriage, and consequently to the Kings manifest preiudice that way, but also to his & said Wards losse & damage of C. li. at the least bestowed at his fathers funerals, vpon the said R. alias Saint G. B.H. and E.B. his deputie or deputies in those parts, for publishing of Enlignes of Armorie at such times, and other seruices of that kind, & for tricking, colouring, preparing, and setting of them vp in the place where they lawfully stood. In tender consideration whereof, and forasmuch as his Ma. will not by the Law of his kingdome disparage his people of whom he is the Soueraigne and generall Gouernor and Protector, and consequently may not dispose of his said Ward in marriage with a Gentlewoman, vnlesse the said Ward be by discent also a Gentleman, and consequently cannot make that benefit of his marriage with a merchãt, Artificer, or Yeomans daughter, as with a Gentlewoman. And forasmuch as the said Saint G. alias R. hath by this his action greatly hindered the estimate of the said Wards marriage, and so much the more impeached the meanes of his aduancement thereby, by how much he is an officer at Armes, and hath done the said wrong by vertue and color of his Office: And forasmuch as this hone. Court is ordained and established for the iustifying and relieuing of his Maiesties Wards in all things that shall touch or concerne them, as well in their persons as in their lawfull meanes of preferment, as this doth, as in their lands and possessions. It may therefore please your Worshipp, the premisses considered, to award his Maiesties most gratious Processe of priuie Seale, to be directed to the said R. Saint G. alias R. alias R.B.H. and E.B. commanding them and either of them thereby at a certaine day, and vnder a certaine paine therein to be limitted, personally to be and appeare before your Worshippe in his Maiesties high Court of Wards and Liueries, then and there to answere to the premisses, and to shew cause if they can why he or they should not re-edifie, erect, and new set vp the said Enlignes of the Wards gentrie, and abide such further order &c.

A Demurrer, wherein the defendant being charged for money that he had paid vpon a bargaine of wood which the plaintifs suppose to belong to a Ward; howbeit the defendant submitteth himselfe to the order of the Court, vpon the deciding of the cause, &c.

THe said Defendant by protestation not acknowledging any thing in the said Bill surmised & alleaged, to be true, in such manner and forme as in the same is contained, doth say, that forsomuch as the drift and scope of the said Bill doth seeme to bee onely to demaund money for certaine wood sould to this defendant, whereto the said Complainants did intitle themselues vnder or by the vertue of a Leale made thereof by her Maiesties Councell of this honorable Court during the minoritie of P. D. now her Maiesties Ward, part of whose inheritance the sayde wood land is surmised to be, whereupon as this Defendant is informed, the said Complainants may haue good remedie by way of accompt at the Common Law, if their owne allegation on that behalfe bee true, and may by due and ordinarie course and accompt at the Common Law recouer the price of the said wood, or damages for the same, if any hath been so taken and bought by this defendant, as in the said Bill is alleaged, doth humbly pray the iudgement of this honorable Court, if he shall be impleaded or sued for the same in this honourable Court, by Bill, seeing he may be also sued and impleaded for the same at the Common Law, as he is informed by his Councell, and yet neuertheless, if it shall seeme fit to this honorable Court to determine the sayd cause, and to put this defendant to any further answer, the aduantage to the incertaintie and insufficiencie of the said Bill, now and at all times to this defendant saued, for further answer, and for more full satisfaction of this honorable Court touching so much of the sayd Bill as concerneth him this defendant, he saith and freely confesseth, that hee this Defendant did heretofore about the time in the Bill alleaged, buy of one Walter Edward Digges in the Bill named, a certaine portion of the said wood in the said Bill mentioned, being about or berie neere foure acres, halfe an acre, and halfe a yard, after the price of fiue and fortie shillings and eight pence the Acre, commong or all as this Defendant taketh it to bee, the summe of tenne pounds and some odde money, about fifteene shillings and some tenne pence. And this defendant doth also further say, that he paid to the said E. D. and his assignes the said full summe of tenne pounds two shillings and tenne pence, or thereabouts, in full contentation of the sayd bargaine. Sect. 24.

And

And moreouer, this defendant saith, that at that time when this wood was to be sould, he had heard that the said E. D. and one C. D. his brother were in suit for this land, and that the matter was readie to come downe into the countrie for triall, whereupon this Defendant being desirous to haue part of his wood for his money, and being also willing to know of whom he might safely buy some part thereof, did enquire how the triall was like to passe, and of whom he might safely buy some of the said woods, and thereupon he did heare of diuers, whose names he doth not now remember, that the said Walter E. D. might well and safely make him sale of part of the said wood. And as this Defendant then heard it commonly spoken in the Country, it was verie likely and the common opinion of most men, that the cause would passe with the said E. or C. D. Uncles to the said Ward for their parts in Gauelkind of the said woods, which moued this defendant to bargain with the said E. D. for the same. And this Defendant vtterly denieth that he had euer any warning or knowledge giuen to the contrarie, as in the sayd Bill is vntruly surmised. But this Defendant hath heard, that since the said complainats, or some body for them in their names, hath heretofore exhibited a Bill in this most honourable Court against the sayde E. D. and others touching this cause, for the mony arising of this woodsale, whereunto the said E. D. hath made his answer vpon his Oath, (as this defendant hath heard, and therein doth expresly confesse) that he made sale of this wood (now againe drawne into question) and that he hath receiued money for the same, and sheweth his title to be for that he was in possession of his gauelkind part therein, during the life of his eldest brother E. D. father to the said Ward, and hath not since lawfully beene put from the possession thereof, the which matter this defendant hath credibly heard, and beleeueth to be true, and doth hope it shall be sufficiently proued when the said complainats will proceed in the said cause vpon this their saide bill. Notwithstanding that forsomuch as this defendant is a verie poore man, and aged, and by reason of his pouertie and age vnfit to follow suits, and altogether vnwilling to enter into any course, to vndergoe the charges and expences of trying of the said title betweene the said complainants and the said E. D. he this defendant doth most humbly referre himselfe to the consideration of this most honourable Court touching the premisses, and doth most willingly of his owne accord for his owne quietnesse, offer to put in good assurance to this honorable Court, that if the plaintifes will proceede vpon their former Bill, against the said E. D. who hath left sufficient authoritie with his Solicitor to follow the same (as this defendant is informed) that then vpon the hearing of the matter the Court shall not rest satisfied that the said E. D. hath good title to hold and detaine the sayde

wood.

wood-money, then if the said E. or his Solicitor, do not within one moneth after, make sufficient satisfaction for the said money so by him receiued of this def. as is aboue said, that then he this def. will forthwith pay the same againe to such person or persons as this Court shall order and directe the same, without that, that any other matter or thing in the said Bill contained, and materiall for this defendant to answer vnto, and herein not aduoide nor sufficiently confessed and auoided, trauersed or denied, is true, all which matters this def. is ready to auerre and prooue, as this honorable Court shall award and prayeth to bee hence dismissed, with his costs and charges in this behalfe wrongfully sustained.

The Reioynder of Edward Hales Esquire, and Edward Hyde Gentleman, to the Replycation of Thomas Hesketh Esquire her Maesties Attorney of her Highnesse Court of Wards and Liueries.

THe said defendants say in all things as in their said answere they haue pleaded and alleaged, without that, that the said E.E. the father, held of her Maestie in chiefe by knights seruice or otherwise in chiefe by knights seruice, land in D. in the countie of S. as in the said replication is alleaged, and with that, that these defendants will auerre and prooue that the said I.H. mentioned in the said answere and replication had and ought to haue the Custodie, Wardship, and Marriage, of the said E.E. one of this defendants, for or by reason that some part of the land of the said E.E. deceased at the time of the death of the said E. were holden of the said W.H. mentioned in the said answer and replication as of his manor of B. and that the said W.H. did as he might lawfully doe, grant the said Wardship of the body and marriage of the bodie of the said E.E. one of the defendants, and his lands so holden of the said H. as in their said answer they haue formerly alleaged and set downe, and with that, that these defendants will likewise auerre and prooue that the laide W.H. did make and pretend title to the said Wardship of the said E.E. one of the said defendants, in such sort as in the said answere is alleaged, which matters these defendants are ready to auerre and prooue, and humbly prayeth as in their said answer they formerly prayed. Sect. 26.

A Demurrer to a Bill for a petition of Trauerſe, exhibited by a Leaſee for yeare.

Sect. 25. THe ſaid defend. by proteſtation not confeſſing or acknowledging any thing in the ſaid Bill of complaint contained, materiall for him the ſaid def. to anſwere vnto, to be true, ſaith, ꝑ the ſaid bill of compl. is vntrue, vncertaine, and inſufficient in the law to be anſwered vnto, to the which the ſaid def. ought not, neither is compellable by the law to make any anſwer, for that it doth not appeare thereby ꝑ the ſaid compl. hath or had any right, title, or intereſt, either of, in, or to any the ſurueyes tenures found by the ſaid firſt Inquiſition in the ſaid bill of compl. mentioned, or of, in, or to any eſtate of freehold, and inheritance, in any the manners, meſſuages, lands, tenements, or hereditaments, in the ſaid Inquiſition mentioned, but that the ſaid tenures, ſurueys, manors, and premiſſes, ꝛ part and parcell thereof, at the time of ꝑ finding of the Office and Inquiſition, in the ſaid bill of complaint mentioned, which the ſaid compl. by his ſaid bill of complaint, deſireth now licence of this hon. Court to trauerſe, were and yet be the freehold and inheritance of others, and that the ſaid compl. hath and claimeth onely in a part of the ſaid manors and lands, a terme for yeares, and not any other or greater eſtate in reſpect whereof, the laws and ſtatutes of this Realme doe not allow any Trauerſe for the ſaid compl. For which cauſe and for ꝑ W. B. Eſquire, ſonne and heire of the ſaid I. hath exhibited a former bill of complaint into this hon. Court, of the effect and purpoſe of the ſaide complainants bill, is yet depending, whereby the ſaid W. B. Eſquire offereth as the ſaid compl. now doth to maintaine the ſaid firſt Inquiſition, and all the tenures of the ſaid manors thereby found, and therefore deſireth to be admitted to trauerſe the ſaid ſecond and laſt Inquiſition, the ſaid def. abideth in law vpon the ſaid compl. bill of complaint, and demaundeth the iudgement of this ho. Court thereupon, and prayeth to be diſmiſſed out of this hon. Court with his coſts for this veration, without any further anſwer making.

Of

OF THE STARRE-CHAMBER.

THe dignitie of this Court is such and so great, as no other Kingdome hath euer erected the like, being without paire or equall: for in the terme time when causes are heard in Westminster Hall, euery weeke twice (which is vsually on Wednesdayes, and Fridayes, and the next day after that the Terme is ended) the Lo. Chancellor, when any such is, or Lo. Keeper of the great Seale of England, whose authoritie is one and the same (by force of a statute made Ann 5. Eliz. c. 18.) the Lords and others of the Kings Ma. Priuie Councell, the Prime of the Clergie, the Lords and Barons of the Land, which are no Priuie councellors (such of them as will) and the Iudges, especially the two cheefe of either Bench, do then and there (during the time limitted for Iudges to determine causes, that is, from the houre of 9. to the houre of 11 commonly longer) sit in that Court. And although the hon. sir Tho. Smith knight, late principall Secretarie to the most famous Princes, K. Edw. the 6. & Qu. Eliz. in his booke de Republica Anglorū saith, it is called Camera Stellata, the Starre-Chamber, because the Windowes and Roofe thereof haue been and are adorned and painted with the pictures of Starres, yet emblematically they resemble the bodie of the Iudges of that Court, consisting of persons of great eminencie (such as are before named) being the principall men of the two great Estates of this kingdome, the Lo. Spirituall and Temporall: The head of which bodie is our soueraigne Lo. the King, who when he pleaseth, sitteth there in his owne person: But in his absence, these Iudges doe censure and determine all causes there depending, by maiority of voices, deriuing their light and authoritie from his Maiestie, as the Starres from the Sunne.

That most honourable Sessions of Nobilitie censureth the Oppressions, Quarrels, Cōtentions, Iniuries, Routs, Ryots, and vnlawfull Actions, perpetrated most commonly by insolent, forcible, and powerfull parties, and no meane persons, against some priuat subiect. It punisheth sundrie other sorts of offences, conspired against his Ma esties Person, such as are vnder the degree of Treason: offendors also against the Persons of the Nobilitie and States of the Realme, as Scandalū Magnatum, and the like: also Duels and priuate Challenges made betweene partie and partie, contrarie to his highnes Edicts and Proclamations, and any libellous or seditious speaking or writing against the publike State, or against priuat persons. Periuries, Forgeries,

Conſpiracies, Subornations, Maintainaunce, Champerties, and ſuch corrupt dealings are there likewiſe heard, and the offendors puniſhed. Alſo diuers Vſages and Cuſtomes in matters, for the benefit of the Commonwealth, haue beene and are there ouer-ruled: As Orders to bee obſerued amongſt Corporations and Companies; For wee read, that a finall Decree of this Court made by Th. Wolſie, Cardinall &c. Archbiſhop of Yorke, Primate & Chancellor of England Anñ 20. H. 8. concerning Artificers in London being ſtrangers borne, ꝑ much wronged our native countrimen, was confirmed by a ſtatute made Anñ 21. H. 8. cap. 16. where note, that in the exemplification thereof, the words are Inſpeximus Decretum per Nos & Conſiliũ noſtr' in Camera Stellata tenditum, intimating, that that which is awarded by the Lords there, is done by the King: And therefore all Bils and Informations exhibited there, are titled and ſtiled on this maner, To the Kings moſt excellent maieſtie.

In this court, the party delinquent is commanded by his Maieſties moſt gracious Writ of Subpæna, vnder a penaltie therein expreſſed, to appeare & anſwer his offence: who comming & ſeeing (except ꝑ preſence of the higheſt our ſaid moſt dread ſoueraigne the King & Prince) as it were the Maieſties of the whole Realme, placed like Starres for their height of Birth and Authoritie, although he be neuer ſo ſtout, hee will be abaſhed, & being called to anſwere (for appeare he muſt, of what degree ſoeuer he be) the Grauitie, Reaſons, & Remonſtrances of thoſe chiefe Perſonages doe ſo orderly one after another handle the partie offending, as be his courage neuer ſo great, his heart will fall downe to the ground: eſperially if his anſwere be not the better, they will command him to the Fleete, to be kept ſometimes in cloſe Priſon, as the Iudges ſhall appoint, there to remaine, vntill through the reſtraint of his libertie, & the extraordinarie expences which he muſt there ſuſtaine, like one reſting in obliuion, being thus wearied, he ſhall bee glad (after his ſubmiſſion and long ſuit of his friends) to be ordered by reaſon.

Sometimes, according to his deſert, hee ſhall be fined to pay a great ſumme of money to the King, beſides his coſts & damages giuen to the plaintife. Sometimes he is adiudged to ſtand on the Pillorie, to loſe his eares, and to haue his noſthrils ſlit, in token of his more infamie: and ſometimes his goods are confiſcated, & his lands are ſeiſed into ꝑ Kings hands, yea, for ſome tranſgreſſions, his houſes and buildings ſhall bee throwne downe, his woods felled, & meadow grounds plowed vp, and the greater men ſhall haue the greater puniſhment, when they offend, Potentes potenter puniuntur, becauſe it is an old cuſtome to take example from and according to the doings of the Nobler ſort: All which chaſtiſements notwithſtanding, the matter for which hee attempted ſuch

crime,

crime is remitted to the Common Law. Therefore this Starrie place seemeth like a bridle to curbe the errors of stout Noblemen and gentlemen that would offer wrong vnto any sort of persons, and will not bee content to abide the order of Law, but be their owne caruers.

Some men haue thought that the said Cardinal Wolsie was the first inuentor of this most hon. Court, and others deeme that it is of more antiquitie, because the most renowned Prince K. H. 7. hath sitten there in his own person: howbeit the said Cardinal much augmented the same, and made it of greater authoritie than it was before his time of Greatnesse: For he being Archbishop of Yorke, had a speciall eye vnto the demeanor and carriage of the Nobilitie and Gentrie in the North parts, and if he heard of any misbehauior to be by any of them committed, they were sent for, and here compelled to answer their doings before him and others the Peeres and barons of this Realme: and besides that, whereas there were certaine outrages made by those of the better sort, being far from the K. and Courts of Iustice, and an ordinarie fighting among them, vsing force as their law, banding to doe and reuenge iniuries as they liked, in such violent maner, as the most noble Prince K. H. 8. did much dislike the same: After that he had sent for them one by one in this Court, to answer before such hon. persons, when they had receiued reddition of their offence, & bin well disciplined both by words and punishment, suffering some imprisonment, their courage & purse being aslunged, they then began to line in better order.

Finally, to preuent and restrain disordered persons from running into such enormities as much as possible may be, on the last day of sitting in this Court after the Terme is ended, the L. Chancellor or L. Keeper for the time being, vsually after a most hon. manner pronounceth a speech (as a charge giuen from the K. Maiestie) in open audience of the wholl assemblie (consisting of the better sort of Gentlemen, dwelling in seuerall Counties of this Realme) exhorting them all to repaire home, and circumspectly to looke to the conseruation of the K. Lawes, that the Peace be no way infringed, nor that dissentions, quarels, and menaces be suffered to arise and grow to a head: and that Iudges in their circuits, and elsewhere, and all sheriffes, Iust. of P. and other the K. Officers, should likewise be vigilãt to performe that which to their charge rightly belongeth, with diuers wholsome cautions and counsells tending to the tranquilitie and benefit of this commonwealth. And thus you may a little perceiue the vse and puissance of this Court: Now followeth an essay of the maner and matter of bills and informations, answers, and demurrers practised in that court, as hereafter may appeare.

A Bill of Petition for a Subpena out of the Starre-Chamber, exhibited by Sir I. C. against Iustice T. as well for diuers riots committed by his seruants, as also for breaking his Oath, and taking of Bribes: in which is recited the oath of a Iustice of the Common Lawes, and his duties, according to the tenor of two seuerall Acts of Parliament, made Ann 18. & 20 E. 3. viz.

To the Queenes most excellent Maiestie.

Sect. 1. IN most humble wise complaining, sheweth vnto your Highnesse, your daily Orator Sir I. C. of, &c. That where the saide Sir I. C. is seised in his demesne as of fee, of and in the Mannor of A. &c. And hee being so thereof seised, inclosed with a hedge the saide mannour of A. and was thereof seised in his demesne as of fee, vntill that Sir I. T. your Maiesties Iustice in your Court Palatine of Chester, and one of your Highnesse Councel in the Marches of W. pretending the title of the said waste sometime to be in your Highnesse, as parcell of your Manatteries Forest of F. and sometime to be in himselfe and his Tenants, &c. and sometime in the right Honourable Sir H. M. L. A. &c. hath in sundrie waies molested and troubled your said Orator, his said tenants and seruants, not onely by vnlawfull meanes, processe, and suits, but also hath many diuers and sundrie times forcibly, riotously, and routously plucked vp the inclosure of your said subiect, and beaten, imprisoned, and cruelly hurt and maymed your said Orator, and seruants. For further declaration whereof may it please your Highnes to vnderstand, that about C. in the third yeare of your Praigne, one T. H. and H. L. by the procurement of the said I. T. pretending your said Orators inclosure to be against right and order of law, did exhibite a Bill into your highnesse Court of Requests, where after answere, a Commission was awarded. But the said I. T. mistrusting, &c. did so delay, &c. that your said subiect was dismissed out of the sayd Court: after which time your said subiect was seuerally and quietly seised in the said &c. without any manner of interruption, vntill that about the second of M. in the yeare of your most happie raigne, certain persons by the number of an hundred, did vnlawfully and riotously assemble themselues in manner of Rebellion in A. aforesaide, and in the night time did pull downe and cast away the said Inclosure. For which their excessiue outrage, the said persons were indicted at C. of an vnlawfull assembly and riot committed at A. aforesaid, notwithstanding

the

the said Sir I. T. sent letters in their behalfes, after which said indictment, found by the assessement of the said Sir I.S.T. beeing Iustice of Peace in the said Countie, by his earnest labour, and the offendours that was indicted of the said notorious rebellion, and vnlawfull assembly, were fined at, or vnder twelue pence, &c. to the great encouragement &c. Whereupon your saide subiect exhibited a Bill against the said riotous persons before your Maiestie, and your highnesse councell in this most honorable Court hanging, which suit the saide Sir I. T. treated, and making the case to be his owne, as, and but before any end &c. A pardon in the yeare &c. whereupon the said Sir I.T. perceiuing his said vnlawfull attempt to passe thus still vnpunished, & still minding to pursue his deadly malice against your said subiect, that if the inclosure aforesaide were not within dayes &c. that he himselfe, and which was accordingly &c. And thereupon now of late, in the Tearme of &c. The said Sir I.T. caused to be exhibited in the name of Sir H. M. knight, vnto your highnesse into this honorable Court a bill of Riot against the seruants vnto your sayd subiect, pretending that the defendant had forcibly inclosed to his disturbance of the Common of the said Sir H. M. of &c. as of his mannor of I. Whereunto when the said defendaunts had pleaded not guiltie, the said Sir I.T. perceiuing that his said attempt could not haue &c. stayed &c. And although the place where the riot was supposed to bee done, bee in the Countie of W. and out of the Commission &c. of W. where the said Sir I.T. beeing both Iustice and partie, the matter could not &c. hanging, which suit about of Iune last, the said Sir I.T. appointed sometime one person, and sometime another, sometime diuers vnknowne desperate vagabonds weaponed with &c. as well by day as by night, to pull vp &c. And if it fortuned any of the seruants of your said subiect to disturbe the vnlawfull enterprises, and in defence of &c. they were by diuers companies lying in ambushes, and Alehouses, and assailed, and namely &c. sequitur, misusage of his men. And if any of your highnesse subiects were hurt &c. it were some such as by the procurement of the said Sir I.T. did breake your highnesse peace, in pulling downe the inclosure, abusing their authorities to the furtherance of their vnlawfull attempts of the saide Sir I.T. And to the intent the euill dealing, and the misdemeanors of the said Sir I.T. may the better appeare vnto your most excellent Maiestie, as well to outrages against others your highnesse good subiects, as against Sir I.C. now Complainant: So it is most gracious Soueraigne Ladie, that notwithstanding the most wholesome lawes and ordinances set forth and established by authoritie of Parliament by your Maiesties most noble Progenitors Kings of this Realme for the fur-

furtherance and better execution of Iustice, for performance whereof all your Ma. Iustices of your common lawes of this Realme doe take a corporall oath, the effect of which oath is set forth by authoritie of a parliament in the xviij. yeare of your highnesse most noble progenitor King Ed. 3. that is to say, that euery Iustice shall sweare, That he shall serue the K. and his people in the office of Iustice, And that lawfully he shall counsaile the King in his businesse, And that hee shall not counsell nor consent vnto any thing which may turne him to damage or disherison by any maner of way or colour. And that hee shall not know the damage or disherison of the said King, whereof he shall not doe to bee warned by himselfe, or by some other. And that hee shall euer doe law and execution of right to all his subiects, rich and poore, without hauing regard to any person. And that such a Iustice shall not take by himselfe priuily nor openly, gift or reward of gold or siluer, nor of any other thing which may turne to his profit, vnlesse it were meat or drink, and that of small value, of any man that should haue any plea or prowe hanging before him; as long as the same proofe should bee so hanging, nor after for the cause. And that he take no fee so long as hee shall bee Iustice, nor robes of any man great or small, but of the King himselfe. And that he giue none aduise or counsell to no man great or small in no case where the King is party. And in case that any of what estate or condition came before him in his Sessions with force and armes or otherwise against the peace, or against the Statute thereof made, to disturbe execution of the common law, or to menace the people, they may not preise ẏ law that he should doe their bodies to be arrested and put in prison. And in case they were such ẏ he might not arrest them, that he certifie the King thereof, and of their names, and of their misprisonment hastily, so that he might therof ordaine conuinable remedy. And that he the said Iustice by himselfe nor by other priuily nor apertly maintaine any part or quarrell hanging in the Kings Court or elsewhere in the countrey. And that he deny to no man common right by the Kings letters nor none other, nor for none other cause. And in case any letters come to him contrarie to the Law, that he shall doe nothing by such letters, but certifie the King thereof, and goe forth to doe ẏ law notwithstanding the same letters. And that he shall do and procure the profit of the King and of his realme and crowne, with all things where he may reasonably do the same. And in case hee were from thence forth found in default in any of the points aforesaid, he shall be at the Kings will of bodie, lands, and goods, thereof to bee done as shall please him, as by the same statute more plainely appeareth. And ouer and besides that same oath so set forth by the said noble Prince E. 3. by authoritie of a Parliament, as is aforesaid, the said King beeing greatly

moued in conſcience vnto all his ſubiects. And being bound by oath to ſee due execution of his lawes vnto all men, amongſt other things in the 20 yeare of his raigne, by authoritie of Parliament he likewiſe eſtabliſhed: That all his ſubiects ſhould doe euery right to all people, without more fauour ſhewing more to one than to another. And that they ſhall take neither fee nor robe of any man but of the King. And that they ſhal take no gift or reward by themſelues nor by any other priuily or apertly, of any man that hath to doe before them by any way, except meat or drinke, and that of ſmall value. And that they ſhall giue no councel to no great man or ſmall, where the King is partie, or which doth or may touch the King in any point, vpon paine to be at the Kings will, lands, bodie, and goods, to doe thereof as he ſhall pleaſe, as in caſe they doe the contrarie. Notwithſtanding ſuch good, godly, and wholſome lawes, the ſaid Sir I. T. Knight, being conſtituted and made by your Maie. your highnes iuſt. of the countie P. and T. and other parts of W. hauing receiued the oath, and alſo being learned in your Ma. lawes of this realm. Neither hauing God, ne yet the dutie of a godly iuſtice before his eies, but hauing within himſelfe a corrupt mind, and a deſire of vnlawfull getting of another mans goods by vndue meanes, did amongſt other his outrages and corrupt dealings ſince ſuch time as hee was conſtituted your Ma. Iuſtice, as is aforeſaid. And being alſo ſcorned with his Letter with his owne hand vnto one I. P. Eſquire, your Ma. Attorney in the Marches of Wales: the tenure of which ſaid letter inſueth in maner and forme following: After my heartie commendations, &c. I. T. by which ſaid letters it may as well appeare vnto your Ma. moſt excellent wiſdome, as by diuers other his euill demeanors vſed within the compaſſe of his ſaid office, ouer well the ſaid Sir I. T. hath deſerued to bee called to an account for the euil miſdemeanors of himſelf aſwel againſt your Ma. as alſo your highnes good ſubiects, your lawes, and alſo your highneſſe crown and dignitie. In conſideration whereof may it pleaſe your high. to grant to your ſaid ſubiect your moſt gratious ſeuerall writs of Subpæna, to be directed out of this moſt gratious and hon. court to the ſaid Sir I. T. commanding him, &c. before this moſt honor. Councell in the court of Star-chamber, then and there to anſwer, &c. And your ſaid humble ſubiect ſhall daily pray to God for the preſeruation of your Hi. in all felicitie moſt happily long to raigne.

A Bill into the Star-Chamber for a Riot.

To the Qu. moſt excellent Maieſtie.

Sect. 2. IN moſt humble wiſe ſheweth and complaineth vnto your highneſſe, your ſuppliant and humble faithfull ſubiect F. G. of, &c. That whereas one R. F. of D. within your highneſſe ſaid countie of N. Eſquire, together with Iohn D. did enter and become bounden to your graces ſaid ſuppliant in one Statute Staple, in the ſumme of, &c. for the perfoꝛmance of certaine couenants contained in one paire of Indentures, made betweene your highneſſe ſayd Suppliant on the one partie, and the ſaid R. F. on the other partie, which ſaid Statute Staple was after by the ſaid R. foꝛfeited, foꝛ not perfoꝛmance of diuers Couenants contained in the ſaid Indentures, whereupon your ſaid Suppliant accoꝛding to the vſuall courſe and foꝛme of the Common Lawes of this your Realme, pꝛocured the ſaid Statute to be certified into your Highneſſe Court of Chauncerie. And after your highneſſe ſaid ſuppliant purſued foꝛth of the ſaide high Court of Chancerie one Wꝛit to take the bodie of the ſayde R. F. and to extend his Lands and Tenements: which Wꝛit was directed to the Sheriffe of your Maieſties Countie Palantine of Cheſter. Vpon the receit whereof the ſaide Sheriffe made and directed his Pꝛecept to one W. W. and H. T. and others iointly and ſeuerally foꝛ the appꝛehenſion of the bodie of the ſaide R. F. And the ſaid H. T. one of the eſpeciall Bailifes, by vertue of the ſaid Pꝛecept, repayꝛed to the dwelling houſe of the ſayde R. F. within your highneſſe ſayde Countie of C. And there finding the ſaid R. F. neere the ſaid houſe, the ſaid H. T. by vertue of the ſaid Pꝛecept commaunded the ſaid R. F. to yéeld himſelfe vnto him, and to obey your Highneſſe Pꝛoceſſe. But he the ſayd R. F. béeing a verie riotous perſon, hauing liued foꝛ the moſt part of theſe ten oꝛ twelue yeares as an Outlaw, contemning all due adminiſtration of Iuſtice. And all Pꝛoceſſe that haue bin ſued foꝛth againſt him in ſundꝛie your Highneſſe Courts, by diuers and ſundꝛie your highnes ſubiects, about the twelfth day of October laſt paſt, ſuddenly, and in a great rage, hauing in his handes al long piked ſtaffe, made a moſt grieuous and perilous aſſault and affray vpon the ſame H. T. and then and there moſt grieuouſly foined the ſaid H. T. in the left ſhoulder, that by reaſon thereof hée ſhall neuer be able to relieue himſelfe. And then and there the ſaid R. F. by the ſuppoꝛt and helpe of diuers his tenants and houſhold Seruants in moſt riotous and vnlawfull wiſe aſſembled to take his part, R. H. W. R. gaue vnto the ſaid H. T. many and ſundꝛie other dꝛie blowes and

ſtrokes

ſtrokes vpon ſundrie parts of his bodie, and in the end by their help and comfort, the ſaid R. F. eſcaped to his dwelling houſe from the ſaid T. & after your Ma. ſaid ſuppl. to his great coſts and charges, was inforced to ſue out of your highneſſe court of Chancerie one other extendi facias directed to Sir I. S. Knight, then high Sherife of your Ma. ſaid rountie of C. who by vertue thereof ſummoned a Jurie of twentie perſons to appeare beſore him at a certaine place called T. within your highnes ſaid countie, about the 15 day of Nouemb. laſt, to enquire of what lands and tenements the ſaid R. F. was ſeiſed of, the day of the ſaid ſtatute ſtaple knowledged, or at any time ſince. And after the ſaid Jurie being impanelled and ſworne, and euidence vnto thē giuen, found vpon their corporall othes, that the ſaid R. F. was ſeiſed of and in &c. to the cleare yearely value of 40 markes ouer and aboue all charges and repriſes, as by the ſame Inquiſition more at large doth and may appeare. And the ſame inquiſition being after put in writing, and ſealed with the ſeales of the ſaid Jury, the ſaid Sir I. S. the ſherife of your Mai. ſaid countie, certified and returned the ſame into your Maieſt. high court of Chanc. And immediatly therupon your highnes ſaid ſuppl. ſued forth of the ſaid high court of Ch. one writ of Libertate, directed to one H. M. Eſquire, then ſherife of your Ma. ſaid countie, by vertue whereof the ſaid H. M. about the 22 of Janu. laſt paſt, repaired to the ſaid capitall meſſuage, meaning to haue executed your Ma. ſaid writ of Libertate according as he was by the ſame commanded. And then and there finding the outward gates of a certain little court adioyning to the ſaid capital Meſſuage faſt barred and ſhut, was inforced to breake open the ſame. And cōming to the dore of the ſaid houſe, knocked at the ſame, and willed them that were within to yéld vnto him the poſſeſſion of the capitall houſe, declaring openly and ſundry times by what authoritie, and to what intent he was come thither. And this notwithſtanding, & that alſo your Ma. Sherife had tarried there moſt part of fiue or ſeuen houres, willing thoſe that then were within the ſame houſe to obey your highneſſe ſaid writs and authoritie, yet they nothing regarded the ſame, whereupon the ſaid Sherife was enforced with ſuch companie as was then wō him, to break open one of the dores of the ſaid houſe, and ſo to enter into the ſame. And at his comming in, he found there in the ſame houſe in moſt riotous and warlike manner vnlawfully aſſembled, T. F. Iunior, F. F. R. R. R. L. P. S. &c. and others to the number of 21. perſons, being there put in by the ſaid R. F. to kéepe poſſeſſion for him, and to his vſe, and by his commandement, hauing vpon them long forreſt bills, piked ſtaues, bow and arrowes, and diuers other kinds of vnlawful weapōs, as well inuaſiue as defenſiue, being moſt of them perſons vnknown to your Ma. ſaid ſupp. And diuers of the ſaid def. being ſent for, and procu-

red

red by the said F. to come out of ȳ shires of L. & D. being such men as haue no certaine habitation, but wanderers abroad like masterles men, whereupon the said Sherife after much time spent, and great renenge of them threatned vnto your said suppl. caused all the said riotous persons to depart out of the said house. And thereupon put your said suppl. into the quiet possession thereof, who remained there about two houres. And afterwards the said riotous persons perceiuing the said sherif to be departed from the said capital messuage, immediately after in most forcible and riotous manner entred into the said capitall messuage, vpon the possession of your said Suppl. and him in most riotous and forcible wise expulsed, and put him in great perill and danger of his life, and the possession thereof haue euer since, and yet doe maintaine and keepe in most riotous and forcible maner, to the great incouragement of al such like wilfull, riotous, and disobedient persons, and against your highnes lawes and statutes in such case made and prouided, for the due correction and punishment of such like malefactors and outragious persons, neither fearing God nor your highnesse lawes. In tender consideration wherof, and to the intent the said riotous persons may receiue condigne punishment for their heinous offences, whereby there may grow some terror to such like disposed contemners and breakers of your H. lawes within the said countie, where of late there haue been many and sundry heinous offences perpetrated and done, and none or little reformation as yet hath hitherto been therein had, whereby the countrey is verie much growne to boldnesse in contemning your Maiest. lawes. May it therefore please your highnes of your accustomed clemencie and goodnes, to grant vnto your said suppl. your graces dread writs of Subpœna, to be directed to, &c. commanding them thereby at a certain day, and vnder a certain paine therin limitted, to appeare in your highnes high court of Star Chamber, then and there to answere to such matter as shall be obiected against them. And your said suppl. shall dayly pray vnto God for your highnesse prosperous estate in royaltie long to raigne.

A

A Bill of forgerie of Obligations.

To the Queenes moſt excellent Maieſtie.

MOſt humbly complaining, ſheweth vnto your moſt excellent Maieſtie, your poore and faithfull ſubiect M. B. &c. That whereas in the Parliament holden at W. in the v. yeare of your Mayeſtaigne there was one good and profitable act made and prouided for the due punishment of forgers of falſe deeds and writings. In which amongſt other things it was enacted and eſtabliſhed by the authoritie of ỹ ſame parliament, that if any perſon or perſons after the ſaid firſt day of June, vpon his or their owne head or imagination, or by falſe conſpiration or fraud, had, or with any other ſhall wittingly, ſubtilly, & falſely forge or make, or wittingly, ſubtilly, and falſely cauſe or aſſent to be made, and forged any falſe Charter, Deede, or Writing, to the intent that any perſon or perſons ſhall or may haue or claime any eſtate or intereſt, for terme of yeares, of, in, or to any Mannors, Lands, Tenements, or Hereditaments, not being Copie hold, or any annuitie in fee ſimple, fee taile for terme of life, liues, or yeares, or after the ſaid day ſhal, as is aforeſaid, forge, make, or cauſe or aſſent to be made or forged, any obligation or bill obligatory, or any Acquittance, Releaſe, or other Diſcharge of any debt, account, action, ſuit, demaund, or other thing perſonall. Or if any perſon or perſons after the ſaid firſt day of June, ſhall pronounce publiſh, or giue in Euidence any ſuch falſe or forged Charter, Deede, Writing, Obligation, Bill obligatorie, Acquittance, Releaſe, or Diſcharge, as true, knowing the ſame to be falſe and forged, and ſhall bee thereof conuicted by any the wayes and means aforeſaid, That then he ſhall pay vnto the partie grieued his double coſts and dammages, to be found and aſſeſſed in ſuch Court where ſuch ſaide Conuiction ſhall bee had, And ſhall bee alſo ſet on the Pillorie in ſome open market towne, or other open place. And there to haue one of his eares cut off, and alſo ſhall haue and ſuffer impriſonment by the ſpace of one whole yeare without baile or mainperiſe. But ſo it is, moſt excellent Soueraigne Ladie, that the day of laſt paſt, your ſayd ſubiect, at the great inſtance and deſire of one A. D. became bound as Suretie with one W. F. for the debt of the ſaid W. R. vnto one W. S. of &c. by two ſeuerall Obligations, the one of the ſumme of two and thirtie pound, with condition for the true payment of ſixteene pound at a certaine day now paſſed, and the other of twenty foure poũd for the true deliuerie of twelue quarters of Wheat, at a certaine day now Sect. 3.

now likewise paſt. And thereupon for diſcharge of your poore ſubiect the ſaid W. R. and A. D. did become bound vnto your ſaide ſubiect in two other Obligations, the one of the ſumme of fortie pounds, with condition for the ſauing harmeleſſe of your poore ſubiect of the ſaid obligation of two and thirtie pounds, againſt the ſaide W. S. and the other of the ſum of ſix and twentie pounds thirteene ſhillings and foure pence, alſo to diſcharge and ſaue harmeleſſe your ſaid ſubiect againſt the ſaid W. S. for and concerning the other Obligation of foure and twentie pounds. And after your poore ſubiect perceiuing the day of the deliuerie of the ſaid twelue quarters of Wheat to the ſaid W. S. to approch and draw neere, much fearing the forfeiture of the ſaid Obligation, knowing right well that the ſaid R. had no Wheate to deliuer to the ſaid W. S. your ſaid ſubiect, then alſo being ſick, & verie carefull both for himſelfe and alſo for the ſaid A. D. & not able to trauell therein, nor ſeeing any order taken by the ſaid W. R. for the payment or deliuerie of the ſaid twelue quarters of Wheats, to the ſaid W. S. againſt the day of payment, your ſaid ſubiect minding himſelfe by his friend to make prouiſion for the ſame, did ſend for the ſaid A. D. declaring vnto him the eſtate of the cauſe, and wiſhed him to trauell and make prouiſion for the ſaid twelue quarters of Wheate, to ſaue the ſaid bond, who ſeemed alſo to be carefull therof, howbeit in that ſudden he was not in haſt to make preſent prouiſion thereof, ſo as your poore ſubiect being inforced to proone his friend, declared vnto the ſayd A. D. that there was ſufficient Wheate in the ſtore of the ſaid Colledge, and hoped to receiue ſo much of them by way of loane, as ſhould bee payd to the ſaid W. S. and deſired the ſaid A. D. to goe to one Maſter L. and to deſire him in the name of your ſaid ſubiect to lend him twelue quarters of Wheate of the ſtore of the Colledge to pay vnto the ſaide W. S. and he ſhould be repaied againe, vnto the end that the truth of the eſtate of that cauſe, and of the aſſurance of your ſubiects ſauing harmeleſſe might plainely appeare to the ſaide Maſter L. your poore ſubiect vpon ſpeciall confidence deliuered to the ſaide A. D. thoſe two Obligations, wherein W. R. and A. D. did ſtand bound to your ſaide ſubiect for his indempnitie as aforeſaid, willing him to carrie and ſhew theſe Obligations to the ſaid Maſter L. as aforeſaid, and immediately to bring them againe to your ſaid ſubiect, the which the ſayd A. D. did verie gladly accept, and faithfully promiſe ſo to doe. But ſo it is if it may pleaſe your moſt excellent Maieſtie, that the ſaid A. D. hauing thus gotten into his hands the ſaid Obligations, wherein hee and the ſaid W. R. ſtood bound vnto your ſubiect as aforeſaid, contrarie to his promiſe and the truſt and confidence by your poore ſubiect in him repoſed,

repoſed, ſeeking the vtter vndoing of your ſaid ſubiect, reſpected nothing the payment nor the deliuerie of the twelue quarters of Wheate, according to the condition of the ſaid obligation, went not to the ſaid M. L. to borrow the ſaide Wheate, but of a verie wicked mind returned home to his owne houſe, where without all care of conſcience he did cancell both the ſaid obligations, and did then and there moſt falſly and deceitfully counterfeit and make two other writings obligatorie in the name of the ſaid W. R. onely leauing out his owne name to your ſaid ſubiect in the like ſummes, and with the ſame like conditions, and did alſo moſt deceitfully ſet to euery of the ſaid new writings Obligatorie two Seales, and in euery thing made them ſo like to the other, as hee could deuiſe, thereby the ſooner to abuſe your ſaid ſubiect. And hauing thus forged and counterfeited theſe two writings, he returned to your poore ſubiect lying ſicke in his bed, affirming very vntruly, that hee could not obtaine the ſaid xij quarters of wheat of the ſaid M. L. & then deliuered to your ſaid poore Subiect the ſaid two forged Obligations, which he receiued in his weakneſſe and ſickneſſe, and beeing alſo vnlearned, was not able to diſcerne the falſhood, by meanes of vnhoneſt dealings and forgerie of the ſaid A. D. your poore ſubiect being then in extremitie of ſickneſſe, and abuſed as aforeſaid, and hauing none other reliefe to performe the condition of the ſaid Obligation, for the payment and deliuerie of the ſaid Wheate, the Obligation wherein your ſaid ſubiect was iointly bound with the ſaid W. R. to W. D. is forfeited, ſince which time the ſaide W. D. hath commenced ſuite againſt your poore ſubiect vpon the ſaid ſeuerall obligations, without the ſecrecie of W. and hath recouered againſt him the whole penaltie of the ſaide Obligations, and hath by the bodie of your poore ſubiect in execution, to the great loſſes and vtter vndoing of your poore ſubiect, his wife, and familie for euer. In tender conſideration whereof, And for that your poore Subiect is without all remedie by the courſe of the Common Lawes of this Realme againſt the ſaid W. R. and W. D. for his due releefe in this behalfe. And for that alſo the ſaide vnhoneſt and wicked facte and treacherie of the ſaid W. D. in abuſing your poore Subiect, putting his whole truſt and confidence in him, as is aforeſaid, not onely in cancelling of his iuſt and lawfull Bonds and Obligations, to the forfeytures of his bonds, which may ſeeme to be done by him of wilfull purpoſe to vndoe your poore Subiect. And for that the ſaid falſe and deceitfull forgerie of the ſaid two new counterfeited writings obligatorie in the name of the ſaide W. R. and to the vtter deceiuing and defrauding of your poore ſubiect, doth not onely tend to the vndoing & impriſonment of your poore ſubiect, but to the great incouraging of others like lewd euill diſpoſed perſons, that ſhall the like forgerie, and other ſuch vn-

tozious facts, to the great preiudice of diuers your louing subiects. It may therefore please your most excellent Ma. of your abundant grace and clemencie, to grant your highnesse most gratious writ of Subpœna to be directed to the said A. D. commanding them by vertue thereof, at a certaine day, and vnder a certain paine therein to be limited and appointed, personally to appeare before the Lords of your hon. Councel in your Maiesties high Court of Star-Chamber at Westm. then & there to make answer to the premisses, and to stand and abide such further order and direction therein as by the Lords of your Ma. said councel shal be thought meet and conuenient. And your said subiect shal daily pray to God for the prosperous estate of your Maiesties raigne.

A Bil where the partie by forcible entrie is put out of possession, beaten, and his Corne carried away riotously.

To the Queenes most excellent Maiestie.

IN most humble and pitifull wise complaining sheweth vnto your Highnesse, your faithfull and obedient subiect A. B. That whereas your said Subiect was and yet is lawfully possessed for certaine yeares yet induring, of and in one messuage and Tenement with the appurtenances, scituate, lying, and being in B. &c. in your Maiesties Countie of, &c. by force of the demise and grant of one A. P. &c. So it is, most gratious Soueraigne Ladie, That one W. W. of &c. P. M. T. W. &c. being very light, lewd, desperate, wicked, riotous, and euill disposed persons, with diuers other persons of like disposition, whose names to your said suppliant are yet vnknown, by the abetment, aide, and procurement of one A. S. Esquire, one of your Maiesties Justices of P. in your said Countie of P. and one R. P. who seeking and practising daily rather how to trouble, vex, and disquiet your highnes said subiect than the preseruation of your Maiesties Peace, or obseruation of your Graces Lawes and Statutes of your Realme, the day of in the yeare of your highnesse most prosperous raigne, as also diuers and seuerall other dayes and times sithence, contrarie to your Maiesties said Lawes and Statutes in such case made and prouided, not hauing the feare of God before their eyes, neither any thing weighing or regarding the penalties that might thereupon ensue, with force and armes, that is to say, with swords, bucklers, daggers, piked staues, pitchforks, launces, and other weapons, as well inuasiue as defensiue, in furious, forcible, riotous, and vnlawfull manner, by the wicked councell, aide, and procurement of the said A. S. and R. P. vnlawfully, and contrarie

to

to your highnesse said Peace, did not onely make one great and grie-
uous assaule and affray vpon your said subiect and his seruants, being
then in Gods peace and your Maiesties, and them most cruelly and
dispitefully did beate, hurt, and wound, and so left them in great perill
of death: but also most violently and forcibly enter into the said mes-
suages and tenements, with the appurtenances, and with strong hand
great force, might, and power, then and there did take, conuey, & carry,
away the Corne and Hay (that is to say) six cart loads of Wheate,
eight cart loads of Barley, twelue cart loads of Pease, fiue cart loads
of Oates, and two cart loads of Hay, then and there being vpon the
ground, belonging vnto the sayd messuages and tenements: and also
with like force and violence, did dispossesse and expulse your said subiect
from the same, to the great losse, hinderance, dammage, and vtter vndo-
ing of your said subiect. By reason of which said riotous and vnlaw-
full practises and attempts, great tumults did arise, in such sort, that
suddenly great vproare had almost like to haue risen and beene stirred in
your highnesse said Countie, by the said riotous and euill disposed per-
sons, being counselled, abbetted, and ayded in the same their vnlawfull
practises and doings by the saide A. S. and R. Y. had not your sub-
iect yeelded and giuen place to the saide riotous persons, as of force hee
was constrained to doe, beeing with his seruants so vnpitifully hand-
led and violently tormented, and put in great feare and perill of their
liues, which fact by the said riotous and euill disposed persons so com-
mitted, as the same is, vpon verie euill intent and purpose done by
them, expressely against your Maiesties Lawes and Statutes of your
Realme, and against the common quiet of the same: So is the same an
open and manifest euill example to all other lewde and euill disposed
persons, to perpetrate and commit the like vnlawfull attempts, if con-
digne punishment and sharpe correction be not to the same riotous per-
sons and their said Counsellors, and Abbettours, ministred and exten-
ded in this behalfe. In tender consideration whereof, may it please
your highnesse to graunt your most gracious Writ of Subpœna to
bee directed to the saide A. S. R. Y. W. T. P. T. &c. commaun-
ding them and euerie of them thereby at a certaine day and vnder a
certaine paine therein to bee limitted personally to appeare before the
Lords of your highnesse most Honourable Priuie Councell in the
Starre Chamber at Westminster, and then and there to answere
to the premisses: And further to stand to and abide such Order,
Rule, and Direction herein, as by them shall bee thought meete,

and

and conuenient. And your said subiect shall dayly pray to God for the preseruation of your Highnesse estate long ouer his most victoriously to reigne.

An Information against a Vicar for Periurie, and forswearing himselfe.

To the Queenes most excellent Maiestie.

Sect. 5. HVmbly complaining informeth your Maiest. your faithfull, true, and obedient subiect G. H. &c. That whereas the 19. day of Ianuary last past, vnder the Queenes letters of Commission was directed out of the Court of Exchequer at Westminster, vnto R. B. D. S. &c. and others, to enquire of such Church goods as did appertaine vnto your Ma. and were concealed and withdrawn, and otherwise employed. And the said commissioners sitting by vertue of the said cõmission at Westminster for the due execution of the same, One R. H. Clerke, Vicar of A. came before them the said commissioners, to be examined touching the articles of the said commission, who taking his oath vpon the holy Euãgelist truely to answer to such Articles as he should be examined vpon, according to the tenor of the said Commission, was examined vpon his said oath, whether he had in his possession or custodie, any goods belonging or which did belong to the Church, did answer negatiuely, that he had not, nor neuer had in his custodie or hands, any goods belonging to the Church, where in verie truth the said R. H. had then in his custodie, diuers parcels of Church goods, and namely one Cannopy, one peece of a Cannopy, a Pyre &c. and diuers other like things, which hee did then certainely know of. And so the said R. H. verie wittingly, corruptly, and wilfully did Periure and forswear himselfe of purpose to keepe such Idolatrous vessels and instruments in his hands, & thereby to doe iniurie vnto your Maiestie, contrarie to his dutie towards Almightie God and to your Ma. and contrary to the Lawes and Statutes of this Realme. In consideration whereof, May it please your maiestie to grant your Graces Processe of Subpoena &c.

A Bill exhibited by the Queenes high Almoner, for detaining of ſuch goods as were forfeited to her Maieſtie.

To the Queenes moſt excellent Maieſtie.

IN moſt humble wiſe ſheweth and complaineth vnto your highneſſe, your faithfull and obedient ſubiect E. Biſhoppe of Rocheſter, high Almoner vnto your Maieſtie, That where one T.P. of C. in the Countie of Kent, the day of in the yeare of your moſt gracious raigne, at C. aforeſaid feloniouſly as a felon, of himſelf did drowne and deſtroy himſelfe, as by an Inquiſition then & there taken before I.B. Gentleman, one of the Coroners of the ſame Countie, vpon the ſight of the bodie of the ſame T.P. by the oaths of twelue men, according to your highneſſe lawes of this Realm more at large it doth and may appeare, by reaſon whereof all ſuch goods, cattels, and debts, as the ſame T.P. or any perſon or perſons had and was poſſeſſed of the day of his ſaid death, doe of right belong and appertaine vnto your ſaid Maieſtie, and ſo to the diſtribution of me your ſaid Almoner, in augmentation of your moſt gracious alms by force and authoritie of your moſt gracious Letters Patents vnto me in that behalf granted and made, as by the ſame letters P. more at large it doth and may appeare. And whereas one Y. I. of C. aforeſaid, was indebted, and did owe vnto the ſaid T. P. the day of his ſaide death, the ſumme of x.li. of lawfull currant money of England, to be payed vnto the ſame T.P. his executors or Aſſignes at a certaine day now expired. And although the ſaid Biſhoppe Almoner by R.G. of D. in your ſaid Countie yeoman, hath diuers and ſundrie times required, and inſtantly deſired the ſaid Y.I. to content & pay vnto him to the vſe aboueſaid the ſaid debt of ten pounds, yet that he doe the ſaid Y.I. at all times hitherto hath refuſed and denied, and yet doth, not onely in contempt of your moſt gracious Letters Patents vnto me your ſaid Almoner, in manner and forme aboueſaid granted and made, but alſo to the great let and hinderance of your moſt gracious Almes, which ſhould haue beene miniſtred by your ſaide Almoner vnto your poore and impotent ſubiects, And the perilous

Sect. 6.

lous and euill example of such like offendors, if condigne punishment and speedie remedie by your Maiestie bee not shortly had and prouided in this behalfe. In consideration whereof, may it please your most excellent Maiestie, to grant your most gracious Writ of Subpœna, to bee directed vnto the said H. J. commanding him by the same personally to appeare before your Highnes and the Lords of your most honorable Councell in the Starre-Chamber at Westminster at a certaine day, and vnder a certaine paine therein to bee limitted, then and there to answere to the premisses. And your said Almoner shall pray vnto Almightie God for the prosperous estate of your Maiestie according to his most bounden dutie in most high honour and felicitie long to raigne ouer vs.

The Answere of a defendant pleading not guiltie, beeing charged with Rescous and Conspiracie, and other misdemeanors in the Plaintifes Bill mentioned.

The Answere of Iohn Probart Gentleman, one of the Defendants, to the Bill of Complaint of William Haye Complainant.

THe said defendant sauing and reseruing to himselfe now and at all times hereafter all aduantages and benefit of exception to ỹ incertaintie, insufficiencie, and other imperfections of the said Bill of complaint, saith, That Dauid ap Hugh William one of the defendants, was arrested in the Towne of Kington in the Countie of Hereford, at the complainants suit, And was brought by the Bailifes that arrested him to the house of Richard Baker in the Bill mentioned, where Charles Booth then deputie to the Vnder Sherife of the Countie of Hereford was, and the defendant Dauid ap Hugh William, beeing brought to the said Charles Booth one of the defendants, and he this defendant being giuen to vnderstand, that the said Dauid ap Hugh William was arrested, he this defendant came to the said Charles Boothe being deputie to the said Vnder Sherife of the Countie of Hereford to be baile for the apparance of the said Dauid ap Hugh

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William, being his neere neighbour, and of his antient acquaintance, and also Tho. Bridges, and Denoureux Pember gentleman, offered to be his baile, w̄ many other of great sufficiencie, whom the said Charles Bothe deputie to the aforesaid Under-sherife would haue accepted of, but the compl. and the bailifes which arrested the said Dauid ap Hugh William, one of them being his brother, and the other his vncle, not only refused to suffer the sherifes deputie Charles Bothy to baile him, but the said complainant and others his adherents greatly abused this def. and his wife, and raised a great tumult in the house of the foresaid Rich. Baker, and drew their weapons and assaulted diuers persons without any iust cause of prouocation. In which tumult the compl. was wounded, and so were others by the comp. and his companie: but the said Dauid ap Hugh William neuer stirred nor offered to depart, neither did anie body offer to rescue him, but the said Dauid ap Hugh William did render himselfe to the deputie of the said Undersherife, and put in baile for his apparance. And at the day of apparance a Cepi Corpus beeing returned by the Undersherife, the said Dauid ap Hugh William appeared to the said action by his Attorney, so as the plaintife might well proceed in the said suit, and as to the said rescue and the conspiracie, and all other the residue of the offences and misdemeanors complained of by ỹ said Bill, and examinable in this hon. Court, this def. saith, That he is not guiltie of them or any of them in maner & forme as by the sayd bill is supposed. All which matters this def. is readie to auer and prooue as this hon. Court shall award, And humbly prayeth to be dismissed with his costs and charges by veration this suit most wrongfully sustained.

The Demurrer and answer wherein the Defendant alleageth that the Plaintife pretendeth to put the Defendant in ieopardie of his life, for beating and wounding the Complainant according to the Bill exhibited.

Sect. 3. The said Defendant, all aduantages of exception to the vncertaintie and insufficiencie of the said bill of compl. being to him now and at all times saued, for Plea to so much of the said bill of compl. as any way concerneth the beating and wounding of the said complain. or any matter depending thereupon, sayth, that the said Complain. since teh time of the committing of the said supposed misdemeanors, pretending that he the said compl. by reason of the hurt supposed by the said bil to be done vnto him by this Def. and others was in danger of death, caused this Def. to be bound ouer by Recognisance to appeare at the great sessions in the county of Radnor where this Def. dwelleth, holden in Somer last past, where this Def. appeared, and vpon his apparance the Compl. pretending ẏ he was still in danger of death by reason of ẏ said wounds, caused this Def. to be againe bound ouer to appeare at ẏ nert great sessions of the said countie hereafter to be holden, to the end that if the said compl. should die of the said wounds, this def. might be forthcomming to answere according to law for the said Compl. death. And therefore since the said bill of compl. tendeth to examine this defen. vpon his oath, touching a matter which by the compl. pretence may concerne and call in question, and put in ieopardie the life of this Def. This Def. doth demand iudgement, whether he shall be compelled to answer that part of the bill. And as to the residue of the matters complained of by the said bill, and examinable in this hon. Court, This Defen. saith, he is not of them or any of them guiltie, in manner and forme as by the sayd bill of compl. is supposed. All which matters this Defendant is readie to auer and prowe as this honorable court shall award, and praieth to be dismissed out of the same, with his reasonable costs and charges in this behalfe most wrongfully sustained.

The

The forme of a Replication to ſeuerall Anſweres.

The ſaid Replyant doth reply and ſay in all and euery matter and thing, as before in his ſaid Bill of Complaint hee hath ſaid. And that he doth and will auer, maintaine, iuſtifie, and proue his ſaid Bill of Complaint, and all and euery the matters and things therein contained, to be good, iuſt, and true, certaine, and ſufficient in the Law to be anſwered vnto, in ſuch ſort, manner, and forme, as in and by the ſaid Bill of Complaint it is truely ſet forth and declared, And that the anſwers of the ſaid defendants, and euery of them, in all the points thereof materiall againſt this Replyant, are vntrue, without that, that any other matter or thing in the ſaid Anſweres of the ſaide Defendants or any of them contained materiall or effectuall in the Law for this Replyant to reply vnto, and herein not ſufficiently replyed vnto, confeſſed, and auoyded, denied, or otherwiſe trauerſed, are true, All and euery which ſaid matter and matters, thing and things, this Replyant is ready to auer and proue as this honorable Court ſhall award, and humbly prayeth as before in the ſaid Bill of Complaint he hath prayed. Sect. 10.

A Replication, maintaining that the Defendants haue committed Maintenance, Periurie, Subornation of Periurie, or Champertie, and are guiltie thereof, as in the Bill of Complaint is ſpecified.

The ſaid Complainant ſaid, That his ſaid Bill of Complaint exhibited againſt the ſaid Defendants in this honourabl Court, is verie iuſt, true, and ſufficient in the Law to be anſwered vnto by the ſaid Defendants, and doth and will auerre, maintaine, and proue all and euery matter and thing therein contained, to bee iuſt and true, in ſuch ſort, maner, and forme, as the ſame beene therein ſet forth, ſpecified, and declared, and that the ſaid Anſweres is vntrue and inſufficient in Sect. 11.

the Law to bee replyed vnto, for diuers manifeſt falſe and apparant imperfections therein contained. And further, this Complaynant doth and will auerre and proone to this Honourable Court, that the ſaid John Lambert, in the ſayd Bill mentioned, was poſſeſſed of a lawfull Terme and Eſtate for threeſcore yeares to come from and after the deceaſe of the ſaide Agnes Abbot, in the ſayd Bill of Complaint mentioned, of and in the ſaide Tenement and Cloſe of Paſture in Thornborow, in the ſaid Bill of Compaint ſpecified, by meane conueyance from the Preſident and Fellowes of Magdalen Colledge in Oxford, in ſuch ſort, as in the ſaid Bill is ſpecified, And that the ſaid John Lambert being ſo poſſeſſed, did grant and aſſigne ouer the ſaid Tenement and Cloſe of Paſture, and all his eſtate therein, to the ſaid Complainant, vpon and in which ſaid Tenement and Cloſe, the ſaid Complainant hath continued and dwelt euer ſithence the deceaſe of the ſaid Agnes Abbot, as in the ſaid bill is alſo ſet downe: And that the ſaid Defendant John Chewe hauing no lawfull right, title, or poſſeſſion of, in, or to to the ſaid premiſſes, did by vnlawfull maintenance bring his action of treſpas againſt the ſaid Complainant, and did recouer ſuch great coſts and dammages againſt the ſaid Complainant, as in the ſaid Bill is ſet forth: And that the ſaid Defendant John Chewe did by vniuſt and vnlawfull Maintainance, Oppreſſion, and Miſdemeanour, and by the abbetment of the reſt of the ſaide Defendants, make a Leaſe of the ſaid Tenement and Cloſe about October laſt, in the ſaid Bill mentioned, vnto the ſaide Michael Drynge, onely to oppreſſe and ouerthrow the ſaide Complainant, and to expell and driue him out of the ſaid Tenement and Cloſe, wherein he had dwelled and continued by the ſpace of fireteene yeares before, as in the ſaid Bill is ſpecified, And that the ſaid Defendant Michael Drynge did by vnlawfull Maintenance and Oppreſſion commence his action of Ejectione firmæ againſt the ſaide Complainant, which did paſſe with the ſayd Defendaunt Drynge againſt the ſaide Complainant, as in the ſaid Bill is ſpecified, And that neither the ſaide Chewe, Drynge, or Richard Lee had beene and continued in poſſeſſion of the ſayd Tenement and Cloſe by the ſpace of one yeare next before the ſaide Leaſe made to the ſaide Drynge, nor at any other time. And further, this Complainant will auerre and proone to this honorable Court, that the ſaid Defendant John Chewe did at the

ſaid

ſaid Quarter Seſſions at Wickam in the bill mentioned, falſly and corruptly depoſe and ſweare to the Jurie, at the ſaid Quarter Seſſions at Wickam, That the ſaid Complainant did in and vpon the firſt day of October, in the bill mentioned, expell and amoove, and with force and violence driue out the ſaid Defendant John Chewe, being then in the lawfull poſſeſſion of the ſaid meſſuage and Cloſe, by force of which ſaid falſe oath onely, the ſaid Graund Jurie in the bill mentioned, did find the ſaid Indictment to be true, whereas the ſaid John Chewe was not in poſſeſſion of the ſaid premiſſes the ſaid firſt day of October, nor at any time before the ſaid bill of indictment preferred, as aforeſaid, wherein the ſaid Defendant John Chewe hath committed moſt wilful and corrupt periurie and miſdemeanor, as in the ſaid bill is ſpecified. And that the ſaid William Knight and Pearce Dawncer did by the abettment, maintenance, and procurement of the ſaid John Chewe, and the reſt of the ſaid Defendants, at the Triall had in the Court at Buckingham, by the ſaid John Chewe againſt the ſaid Complainant, vpon the ſaid Action of the Caſe, in the bill mentioned, falſly depoſe and ſweare, that the ſaid Complainant ſhould ſay and affirme in their preſence, that the ſaid John Chewe was periured at Wickam, in ſuch ſort as in the ſaid bill is alleaged, and that thereby the ſaid Chewe did vniuſtly recouer againſt the ſaid Complainant the ſumme of fiue Nobles, beſides coſts of the ſaid Suite, as in the ſaid bill is alleaged: Without that, that the ſaid William Lée was at any time poſſeſſed of any lawfull eſtate or leaſe of the ſaid tenement and cloſe by the ſaid Preſident and Schollers of Magdalen Colledge in Oxford, for the terme of three ſcore yeares, to commence after the deceaſe of the ſaid Agnes Abbot, and Thomas her ſonne, as in the ſaid anſwer is vntruly ſuggeſted, or that the ſaid tenement and cloſe of paſture did come to the hands and poſſeſſion of the ſaid Richard Lee, as Adminiſtrator of the goods and chattels, debts, and credits of his ſaid father William Lée, as in the ſaid anſwer is falſly alleaged, or that the ſaid William Lée died poſſeſſed thereof at the time of his deceaſe. And without that, that the ſaid Richard Lee did at any time after the deceaſe of the ſaid Agnes and Thomas Abbot, enter into the ſaid premiſſes, or had or continued the poſſeſſion thereof, or had any lawfull power to make any ſuch Leaſe for the terme of three years to the ſaid Complainant, as in the ſaid anſwer is alleaged, nor that euer he the ſaid Richard Lee receiued any Rent, Fine, or other conſideration for the ſame of the ſaid Complainant, or of any other perſon: And that this Complainant paid his rent to the preſident and Schollers of Magdalen Colledge aforeſaid, or that the ſaid

Complainant did during the ſaid three yeares hold or inioy the ſaid tenement and Cloſe of Paſture, by vertue of any leaſe made to him by the ſaid Richard Lee, as in the ſaid anſwer is falſly alleaged. And without that, that the ſaid Complainant, or the ſaid Paul Francklyn his ſonne did wrongfully keepe the poſſeſſion of the ſaid premiſſes otherwiſe than was lawfull for them to doe, either after the ſaid firſt triall had againſt the ſaid Complainant, or at the time of the preferring of the ſaid Indictment at the ſaid Quarter Seſſions in the ſaid anſwer mentioned, or that the ſaid actions haue not beene by the ſaid Def. Iohn Chewe, and others, vniuſtly, and by vnlawfull maintenance vndertaken and proſecuted, as in the ſaid Bill is ſpecified, or that the ſaid Complainant did ſay and affirme, that the ſaid def. Iohn Chewe was forſworne and periured at Wickam, in ſuch manner and forme as in the ſaid anſwer is ſet downe, or that the ſaid Compl. hath commenced his ſuit in this honourable Court, or any other action againſt the ſaid Defen. or any of them, wrongfully and vnlawfully, by the maintenance, abetment, or procurement of any perſon or perſons, as in the ſaid anſwer is falſly alleaged, but as he himſelfe, hauing receiued great loſſe, dammage, and wrong, did and might lawfully doe: Or that the ſaid Def. Ioh. Chewe, Rich. Danies, Michael Drynge, Henrie Dawncer, and William Knight, or any of them, are not guiltie to all and euery the ſaid maintenances, periuries, ſubordinations of periuries, or Champerties, in the ſaid bill ſpecified. And without that, that any other matter, cauſe, allegation, or thing in the ſaid anſwer contained materiall or effectuall in the law to be replied vnto by this Compl. and not herein fully replied vnto, confeſſed, auoided, trauerſed, or denied, is true, all and euery which matters the ſaid Compl. is readie to auer and proone, as this honorable Court ſhall award: And therefore prayeth as in his ſaid bill he hath prayed.

The

The forme of a Reioinder.

THese Def. say, and euery of them for themselues seuerally and respectiuely saith, That their said answers are certain, and sufficient in the law to replied vnto, and doe and will auer, maintaine, and prooue all and euerie such clause, article, and sentence therein contained, to bee good, iust, and true, in such manner and forme as in their said answer is set forth and declared: and that the said replication is very incertaine, vntrue, and insufficient in the law to be reioined vnto, for sundry vntruths and imperfections comprised within the said bil and replication, as these Def. shal be hereafter able to manifest and declare more at large in this most hon. Court, vpon the hearing of the same cause, without that, that these Def. are guiltie of all or any the offences and misdemeanors wherewith they or any of them stand charged in and by the sayde Compl. bill, in any such manner and forme as the same in the saide Bill and replication are most slanderously and vntruly set forth, suggested, and declared: And without that, that there is any other matter or thing materiall or effectuall in the said replication contained, and in this Reioinder not sufficiently answered and replied vnto, confessed or auoyded, trauersed, or denied, is true. All which matters and things these Def. are and will be ready to auer and prooue as this honourable court shall award: and humbly prayeth as in their said answers they haue prayed. Sect. 11.

A Bill against Rioters.

To the Queenes most excellent Maiestie.

MOst humbly sheweth and complaineth vnto your Highnesse, your dayly Orator and faithful Subiect I. P. and T. P. That whereas your said Orator being in Gods peace and your Maiesties, at A. in your Highnesse Countie of P. certaine lewd, riotous, and euill disposed persons, That is, I. P. W. R. &c. with diuers other of the like dis- Sect. 12.

disorder to the number of twelue persons as yet to your sayd Orator vnknowne, being weaponed with Bowes, Billes, Staues, Iauelins, Pikes, Gunnes, and diuers other Warlike weapons, as well inuasiue as defensiue, did by the procurement, abbetment, and setting on of W.Y. and R.Y. Esquires, being mortall enemies to your said Orators, and seeking and pretending their vtter spoile and destruction, with much force and great violence, assault, wound, beate, and euill intreat your said subiects at diuers and sundrie times, as hereafter ensueth: viz.

In consideration whereof, and for the aduancement of Iustice, and in repelle of such rebellious assemblies, and in terror and feare of other such malefactors and riotous persons, May it please your highnesse to grant, &c. And your said Orators shall according to their bounden duties pray vnto God for the preseruation of your highnesse long to raigne ouer vs.

The forme of a Bill into the Court of *Requests*.

IN most humble wise complaining, sheweth vnto your most excellent Maiestie, your humble and obedient subiect W.L. That whereas one C.Y. was, &c. In tender consideration whereof, may it please your most excellent Maiestie to grant vnto your highnesse said subiect your gratious Letters of Priuie seale, to be directed vnto E.W. Esquire, and B. Gentleman, commanding them and euery of them, to be and personally to appeare before your highnesse honorable Councel of your highnes Court of Requests, at a certaine day, and vpon a paine therein to be limitted, then and there to answer to the premisses, as to your Highnesse most honorable Councell shal seeme to stand with equitie and good conscience.

The end of a Bill, where he prayeth the matter in controuersie to bee *put to examination.*

IT may please &c. to direct your honorable Letters to some man of worship, wisedome, and credit, to heare and finally determine all the said quarrels, and matters now depending betweene your said Orators and their said aduersaries, according to Equitie and Iustice, and if they cannot determine the said controuersies, then to certifie by whom the said default commeth, and your said Orators are bound &c.

Words of course in an answer to a Bill of Complaint.

THe said defendants say, and either of them saith, That the said bill of Complaint is verie vncertaine, vntrue, and insufficient in the Law to bee answered vnto, and that the matters therein contained are imagined, deuised, and set forth, of euill will and malice, to the intent to put the said defendants to wrongfull veration, costs, charges, and expences in the Law, without any iust cause or ground of suit, albeit the said defendants shall be compelled by order in this honorable Court, to make any further answer vnto the said vncertaine and insufficient bill, then the aduantage of exception to the incertaintie and insufficiencie thereof, vnto the said defendants at all times hereafter saued, for answer and declaration of the truth, the said defendants say, and first &c. without that, that any other matter or thing in the saide Bill of Complaint contained, materiall or effectuall to be answered vnto, and herein not sufficiently confessed and auoided, trauersed, or denied, is true, all which matters, the said defendants are readie to auerre and prooue as this honorable Court will award: And prayeth to bee dismissed out of the same Court with their reasonable costs & charges by them wrongfully sustained concerning this suit &c.

Words

Words of course in a Reioynder.

The said defendants sauing vnto them at all times hereafter the aduantage of exception to the incertainties and insufficiencie of the said Replication sayth, and either of them sayth, That the said answere is certaine, true, and sufficient in the Law to bee reioyned vnto, and also say as they before in their answer haue said, and do and will auer and maintain all and euery thing and things therin, to be good, iust, and true, in such sort, manner, and forme, as they and eueris of them be therein alleaged and expressed (That is to say &c.) And without that, that there is any other thing materiall or effectuall to bee reioyned vnto, and in this Reioynder not denied or trauersed, is true, all which matters &c.

FINIS.

The Table to the second part of Symboleographie, with new additions.

Of Fines and Concords.

THe Definition Sect. 1
The parties 2
What persons may be cognisors, and what not 3
Of Infancie 4
Defects of the bodie 5
Impediments legall or ciuill 6
Of legall subiection 7
Of Couerture 8
Villeines 9
Persons dead in Law 10
Imprisonment 11
Of persons hauing ioint power 12
Of the estates of cognisors 13
How cognisors ought to be named 14
What persons may be cognisors, and by what names 15
Before what persons they may bee knowledged 16
Of a *dedimus potestatē de fine leuando* 17
Iudges to whom cognisances are to be certified, and before whom they are to bee recorded 18
The diuision of fines 19
Of fines executed and executorie 20
Of single and double fines 21
Of the parts and of the writ of couenāt 22
Of writs, whereupon they are leuied 23
Whereof they be grounded 24
Of what things they may be leuied 25
By what names things may passe 26
Of the names of the place wherin the lands doe lie 27
How seuerall things must bee placed in writs of couenant 28
Of adiuncts proper to the Writs whereof fines be leuied 29
The seueral formes of Concords 30
Writs of couenant of common 31
A fine of land, and a sheepe walke 32
Of wood and foldage 33
Of wood 34
Of two parts in 3 parts diuided of eight acres of land, &c. 35
Of a parsonage impropriate 36
Of a mannor, of rent, and free foldage for sheepe 37
A writ of couenāt of diuers seueral things 37
A writ of couenant of Tithes 38
A writ of couenant of the Scite of a Monasterie 39
A writ of couenant of diuers things 40
A writ of couenant of Difmes and Tythes 41
A writ of couenant of a parsonage &c. 42
A releasse by fine of one or two 43
A fine vpon Cognisance de droit by the husband and wife to two 44
By baron and feme, and another 45
Of a parcell in reuersion by a coparcener 46
Of a mannor to an Archbishop & another 47
A concord from two to one, with speciall warrantie 48
Vpon cognisance of right, as that, &c. with releasse and warrantie by, &c. 49
A concord of many things together, *Sur cognisance de droit come ceo, &c.* 50
A fine of a rent 51
Of the third part of a rent 52
A Precipe, with an exception of some parcels 53
A writ of couenant brought by three against three, of a mannor &c. 54
A concord with a render for life, the rem. to the 1, 2, &c. sons of the cognisor 55
A fine of homage, rent, and seruices 56
A fine of homage, rent, and seruices 57
An old fine in frankalmoign, before Iustices in Eyre 58
A fine of lands in the countie palantine of Lancaster 59
A Lease for yeares, reseruing a Rent by grant 60
A lease for yeares rendring rent with a rēder and a distresse 61
A lease for yeares, sauing the reuersion 62
A lease by tenant for life for 21 yeares, if she liue so long 63
A lease for 21 yeares, &c. reseruing a rent the cognisees grant back the same reuersion and rent 64
A fine of a rem' for yeares, reseruing rent, &c. 65

A leaſe in reuerſion paying a rent' 66
A leaſe to diuers for yeares, if the parties liue ſo long, and reſeruing a rent, &c. 67
A leaſe reſeruing rent with a *nomine pœne*, and a diſtreſſe 68
A fine with grant and render for life, without impeachment of waſt, and for, &c. 69
A render for life with diuers remainders ouer 70
A leaſe for life with a remainder ouer 71
A fine of lands bought by the husband, which are regranted by him to the cogniſors for his wifes life 72
A concord of diuers tenements, rents, a rectorie and aduowſon, with the moity of a mll 73
A fine of a fourth part to two 74
Of lands part in poſſeſſion, and part in reuerſion, of a third part, &c. 75
Grant and render of a reuerſion for a moitie 76
A render to the cogniſor for one weeke, remainder to a ſtranger for life, remainder to his wife for life, vpon condition, with diuers remainders ouer 77
A fine of two reuerſions 78
To the cogniſee and his wife, in ſpeciall taile, with warrantie in taile 79
A grant with a render backe againe for life, with remainder in taile, diuiding the lands 80
A fine to entaile lands to the heires of one deceiſed 81
A grant to the cogniſee for life of the Tenant for life, with warrantie, a render to the Cogniſour for his wiues life, to conuey her title to her husband 82
A fine of a moitie of diuers things in poſſeſſion, and of a reuerſion in fee 83
A grant of lands to two, who render to the conuſor in taile, the remainder to the Queen and her ſucceſſors 84
A grant of lands in taile to bee holden of the grantor in Socage 65
A grant of lands in taile, to be holde of the grantor by ſuit of Court, and 6 s. Rent 86
A fine ſur releaſe of Knights ſeruice, caſtle gard, and murage vpon a writ of cuſtomes and ſeruices 87
Of a mannor in poſſeſſion, and other lãds in reuerſion 88
Of lands part in poſſeſſion, and part in reuerſiou, with a render againe to the Conuſors and their heire 89
For a reuerſion of a rent 90
A concord of a reuerſion for a rent 91
Of Rent ſeruice 92
The husband and wife ſell the wiues iointure abſolutely to him in reuerſion 93
Tenant for life maketh a leaſe reſeruing a Rent during her life 94
A fine of Reuerſion 95
A fine of a Rent granted for life, with a clauſe of diſtreſſe for the ſame 96
Of ſeuerall Rents granted out of a mannor 97
Of a rent with a *Nomine pœne* 98
A fine in fee farme, yeelding a rent, with a diſtreſſe 99
A fine in fee farme, rendring rent, ſuite of Court, and herriot, after deceaſe, receaſe, and alienation 100
A fine in fee farme, rendring a rent, with a *Nomine pœne* 101
By the husband and wife to the husband and wife, with render 102
A Writ of Couenant for the King 103
A fine of diuers things, with warrantie, againſt all men 104
A fine with ſeuerall warrantie, with a regrant and render of the premiſſes by the Conuſees to the Conuſors 105
A fine with generall warrantie from the Conuſors of two parts in three parts, diuided of diuers ſeuerall parcels 106
A fine with generall warrantie, with grant and render by the conuſees to one of the Conuſors of parcell of the premiſſes, with diuers rem' ouer of other parcels, reſeruing a rent with a clauſe of diſtreſſe for non paiment 107
A fine with warrantie, with grant & render of all mines and coles, with libertie to dig 108
Of the 3 part of ſeuerall things, with gene-

nerall warrantie for life, rendring rent with a clause of distres, with a grant, & rendring of the reuersion in fee 109
Of a mannor with a regrant of xij. li. out of the same mannor, and afterwards of the whole mannor in fee 110
Of diuers things with warrantie against the conusor and his wife, and the heires of the husband 111
A fine with two seuerall warranties 112
A fine of diuers things with generall warrantie 113
With generall warrantie in generall taile and for default of heire male, to diuers others of the name and kindred of the Conusor 114
A fine knowledged before the Iustices of Chester, of diuers things with warrantie 115
By an Earle and his wife of diuers things 116
With grant and render to the wife of one of the conusors for yeares rendering rēt with a clause of distresse, with a grant afterwards of the reuersion in fee 117
By two to one with generall warrantie 118
Of diuers things with seuerall warrantie 119
A fine to two of diuers things with warrantie 120
By two husbands and their wiues with warrantie 121
By the husband and the wife of diuers things with warrantie 122
Of the rent issuing out of diuerse manors 123
A fine with grant and render for yeres, to begin at a time to come, reseruing a rēt, with a grant of the reuersion, to &c. 124
A fine of diuers things, with warrantie in consideration of a rent, with a clause of distresse &c. 125
Of the third part of a rent with warranty 126
Of the third part of certaine land by these words *Concesserunt & reddiderunt* 127
A fine with general warranty of an estate pur auē vie, after whose death the land is to reuert to the conusor 128
Of diuers things to a President and scholler of a Colledge with warrantie 129
With warrantie against the conusours and the heires of the husband 130
Of diuers things with generall warrantie 131
Of the 3 part of diuers things with generall warrantie 132
By the husband and the wife of diuers things with general warantie 133
The order of taking the knowledge of a fine by *Dedimus potestatem* fol. 37. b
A fine with generall warrantie, with a grant and render to one of the conusors for 7. dayes with remainder for life to a stranger, the reuersion after to the said conusor in fee 134
By the husband and the wife of diuers things with generall warrantie 135
A fine before the Iustices of the Cōmon-pleas at westminster, with generall warrantie 136
A fine with warrantie against the conusor and his heires 137
The ingrossement of the fine before as it is vpon Record 138
A fine with general warrantie, with a grāt and render for certane termes, and after to remaine to the conusor in fee 139
A fine with general warrantie, with a grāt of the conusee for life, the reuersion to the conusor in fee 140
Of a rent with generall warrantie 141
A fine with generall warrantie in consideration of an Annuitie, imposing a paine for the non payment thereof 142
A fine of land to hold by knights seruice, and rent with generall warrantie 143
A fine of a manor reciting &c. with warranty against the Conusors during &c. 144
A fine with warrantie, in consideration whereof the Conusee regrants the premisses for a certaine terme, after the end whereof the premisses are to remaine to the Conusee in fee 145
The taking of the knowledge of the fine

fine. fol. 41
Notes to be obserued in fines. fol. 41
A fine of diuers things with render to the conusors for life, & with diuers remainders ouer after their death in generall taile, & for default of issue, to the &c. 146
Aidiuncts of Concords 147
A licence of alienations of lands holden in capite 148
A licence to alien in Mortmaine 149
A *Quod permittat finem leuari* 150
The writ of *Ad quod damnum* 151
Of a pardon for alienation 152
Of the *Dedimus potestatem* to take recognizance of a fine 153
The *Dedimus potestatem* thereof. fol. 44
The *Præcipe* and Concord which must be filled to the *Dedimus potestatem*, fol. 44
Of the Queenes siluer 154
Obseruations necessarie at the knowledging of fines 155
How and when cognisances of fines must be certified, and what may hinder the same 156
Of the inrolement of writs of couenant, *Dedimus Potestatem*, and knowledges thereupon, which is termed the foot of the fine 157
Of the note of the fine 158
Quid iuris clamat 159
What persons may obtaine attornment in by Quid Iuris clamat, and what not 160
What persons bee compellable to attorne in a Quid Iuris clamat, and what not 161
What pleas wil bar the plaintife of attornment 162
What processe will lie in a Quid Iuris clamat 163
The manner of the writ in a Quid Iuris clamat 164
The distresse in a Quid Inris clamat, fol 49
Diuers formes of Entries, if the parties aapeare after the day of the returne fol. 49
Attorney in Quid Iuris clamat 165
The writ of Quem redditum reddit 166
The writ of Per quæ seruitia 167
Vpon whose alienation the tenant is not compellable to atturne 168
Against whom a Per quæ seruitia lyeth, and whom not 168
Of the ingrossing of fines 170
Of the tabling of fines ingrossed 171
How many Proclamations are to be made vpon fines, and when 172
Of Proclamations of fines at the Assises, and generall Sessions, how they must be certified 173
Of the inrolement of all the parts of fines after the engrossing thereof and proclamations passed 174
Of the exemplification of the parts of fines inrolled 175
How fines executorie bee executed 176
The maner of execution of fines by writ 177
Of execution of fines by Scire facias 178
Certaine cases of the nature and forme of a Scire facias vpon a fine 179
What fines with proclamations barre the issue in taile 180
What time after a fine leuied and Proclamation made, any man hath to enter or claime by action, or otherwise, and who are thereby barred, and who not 181
How Priuies in blood are bound in fines 182
Of Estrangers hauing present right and no impediment 183
Of Estrangers hauing present right and impediments 184
Of Estraungers hauing diuers defects 185
Of Estrangers without impediments, hauing future right for cause precedent 186
Of Estrangers with impediments, hauing future right 187
Of Estrangers hauing no right before the fine 188
Of Estrangers hauing diuers future rights by diuers titles. 189
Estrangers to fines hauing neither present nor future right to the tenements in the

the fine, as the leuying thereof, but on-
ly vnto rents, common &c. issuing out
of the same 190
Pleas to auoide fines 191
Of a writ of Error 192
Of a Certiorari 193
A *Mittimus* of the transcripte of a fine out
of the Chancerie, into the Cõmon plate 194
A *Mittimus* 195
A *Mittimus* for the foote of a fine fol. 72. b
Whether any but hee which receiueth a
fine, may take benefit thereby 196
A writ of Warrantia charte 198

Recoueries.

OF Recoueries for assurances, com-
monly called common or feigned
Recoueries Sect. 1
Of what things Writs of Entrie may bee
brought, and by what names 2
Of what thing a writ of Entrie lieth not. 3
A Certiorari to the executour of the iu-
stice, before whom the warrants were
acknowledged 4
A Recouerie with single voucher 5
A Recouerie with double voucher 6
A Recouerie with treble voucher 7
A Recouerie of an aduowson 8
All the parts of the Recouery in a writ of
Right *de præcipe in capite* exemplified, 9
Remissio Curiæ in breue de Recto 10
The Exemplification of a Recouery in-
rolled according to the Statute of 23.
Eliz. cap. 2. 11
Pardon alien̄ sup̄ ter̄ p̄ breue de ingressu
recuperat̄ 12
Exemplification of a Recouerie, with dou-
ble voucher, out of the Prothonatories
office 13
Another to the like effect 14
A Dedimus potestat̄ to take knowledge
of a warrant of attorny of the voucher
15
The maner of the returne fol. 81
A Dedimus potestatem de atturnat̄ rec'
in breui de ingressu sup̄ disseisinam in
le post pro tenent̄
The maner of the returne fo. 83. a
Aliud breue de Dedimus potestat̄ recup̄
attornat̄ ten̄ super breue de ingressu
17
The forme of a recouerie with single vou-
cher fol. 83. b
A commõ recouery had by diuers against
one of diuers manors &c. within the
Countie Palantine of Chester, before
the Iudges of the Shires or Counties
18
A common recouerie by diuers, before the
Iustice of Chester, and Iudges of the
same Countie of a Manor &c *Tempore*
H 8. 19
The like common recouerie, in the sayde
countie of Chester, to the next before,
and of the same manner and lands, in
the time of the said King. 20

Indictments & Offences.

THE Definition Sect. 1
What an offence is 2
What indeuor is 3
Of offences priuate and publike 4
The Sympathie betweene the common-
wealth and her members 5
Of offences publike and priuate 6
Offences blinde 7
Offences named and vnnamed 8
Offences vnnamed 9
Offences named 10
Offences simple 11
Offences mixt 12
Offences by word 13
Councell 14
Offence by contumelious words 15
Slaunder 16
Slaunder against God 17
Blasphemie 18
Magick 19
Southsaying Wizards 20
Diuination 21
Iugling 22
Inchanting and charming 23
Witcherie 24
Heresie 25
Anabaptisme 26
Apostasie 27

Periurie 25
Slaunder against a man by word 26
by writing 30
libell 31
by picture 32
Offences by deeds 33
Destruction 34
Slaughter 36
Homicide
- vnawares 37
- voluntarie 38
- malicious 39
- *Se defendendo* 43
- forbidden 44
- of a mans selfe 46
- casuall 47
- by chance 48
- mixt 49

Murder 50
Slaughter of beasts 51
Of burning 52
Offences transitorie 53
Adultery and fornication 54
Sodomie or Buggery 55
Burglary 56
House-robbing 57
Theft 58
Theft from the person 59
Robberie what it is 60
Theft without feare 61
Hurting and violence 62
Hurts to the bodie of the common-wealth as treasons 63
Offences hindering the commodity of the commonwealth 64
Offences against the subiects 65
Offences springing from words & deeds 66
Other mens offences, and how farre they bind vs 67
Offences vnnamed 68
Of Indictments as remedies for the former diseases 69
Of the forme and manner of Indictments 76
An Indictment for keeping an Alehouse 71
For tipling house 72
For silke in a cap. 73
For vsing an Art against the Statute 73
For rebellious assemblies super 8. Mar. ca. 1. 74
Against a Barrettor 75
The like *Aliter* 76
For Barbers 77
The like *aliter* 78
The like *Aliter* 79
For buggery *cum masculo* 80
For burglarie and theft 81
The like *Aliter* 82
The like *aliter* 83
For burglarie in a dwelling house 84
For burglary by night in a dwelling house 85
For burning a house by day 86
For burglary and burning a house 87
For burning a barne with corne 88
For Champertie in an assise of nouel disseisin 89
For Champerty in an assise of fresh force 90
For fighting in church yards 91
For absence from Church 92
For fighting in the Churchyard 93
For fighting in Churches or Churchyards 94
For absenting from the Church 95
For taking conies in a warren 96
For conspiracie in suits 97
For conspiracie by diuers bakers 98
For taking vnreasonable distresse 99
For taking a distresse in the high way 100
Againgst Egyptians 101
Against Egyptians 102
For pulling out of eyes 103
For cutting out of tongues 104
For a voluntarie escape for theft 105
For voluntarie escape for murder 106
For escape negligent 107
Against a Coroner for extortion 108
The like *aliter* 109
Against an Escheators seruant for extortion 110
For extortion in a Register 112
Against an Escheator, inquiten fine &c. 113
For a forcible Entrie sur Anno 5. Rich. 2. 114
The like *aliter* 115

For

For Forcible entrie, and discontinuance sur 8.H.6. 116
For forcible entrie, and holding out, super 8.H.6. 117
For forging Letters patents and the great Seale 118
For forging of an Indenture 119
For forestalling the market 120
For vnlawfull games, super 33 Henry 8. 121
For gilting 122
For horses sould into Scotland 123
For beating of horses 124
For not taking of felons after hue and crie made 125
For hunting by night 126
For hunting in a parke 127
For hunting in a forrest 128
For hunting of conies, & keeping of greyhounds 129
For imbracerie of Iurors 130
The like *aliter* 131
For common incloſed 132
For ingroſſing of corne growing 133
For ingroſſing of graine 134
For not keeping a light horſe 135
For batterie and mayhem 136
For maintenance 137
For manſlaughter by chaunce-medlie. 138
The like *aliter* 139
For ſaying and hearing of maſſe 140
The like *aliter* 141
For counterfeiting of monie 142
For counterfeiting and vttering of monie 143
For coyning of money 144
The like *aliter* 145
For a murder with a weapon 146
For murder by two with weapons 147
For murder with a cudgell, and flying 148
For murder and procurement 149
For murder and diuers wounds 150
For manſlaughter by chance-medley 151
For murder of a baſtard child 152
For murdr by a ſeruant 153
For petie treaſon by a ſeruant 154
An Inquiſition in murder by weapon. 155
For a Nuſance of a bridge 156
The like *aliter* 157
The like *aliter* 158
For Nuſance of a way 159
For periurie in a diſpoſition before Commiſſioners 160
For periurie in a depoſic' in Cancell 161
For taking of Pheaſants and Partridges 162
For wilfull poyſoning 163
For poyſoning 164
For murder by poiſoning 165
For petie treaſon by the wife 166
For breaking of priſon 167
For pulling of ſheepe 168
For purſe ſtealing 169
For purſe picking 170
For vnlawfull puruey ance of Cattell 171
For rape of a woman 172
For rape of a child 173
For rape of a maid 174
For rape of a maid within age 175
For a Reſcuſſe 176
Of high treaſon for rebellious inſurrection 177
The like *aliter* 178
For regrating of corne 179
For regrating of fiſh and butter 180
For a Reſcuſſe of one in the ſtocks 181
For giuing of a liuerie 182
For receiuing and vſing of a Liuerie 183
Againſt retainers 184
For a Ryot at the Seſſions 185
The like *aliter* 186
For a Riot vpon a Keeper 187
For a Ryot in pulling downe of Hedges 188
For a Riot about the execution of a Repl. 189
For a ryot in cutting and carying away of corne 190
For robberie in the highway 191
The like *aliter* 192
The like *aliter* 193
The like *aliter* 194
Againſt a Vagabond and his Relieuer, 195
For breaking of a ſafe conduct 196
For Sacriledge or burglarie in a Church, 197

The like, *aliter*. 198
For slander against the Queene 199
For a Schoolemaster not licenced 200
For slander against the Queene 201
For slandering of Noblemen 202
For shooting in a Gun 203
For keeping of a blind Taverne 204
For stealing of horses 205
Against a Seruant stealing of his Masters goods 206
For stealing of a Cow 207
For theft by a Seruant from his Master 208
For conuerting tillage into pasture 209
For conuerting arable land from tillage, 210
For treason for extolling the authoritie of the Pope against his Maiesties Supremacie 211
For treason for absoluing from obedience, 212
For treason of Iesuitisme 213
For a trespasse in Corne, Grasse, or Plowing 214
For eating Corne with sheepe 215
For trespasse in Fish-ponds 216
For vsurie in loan of monie 217
For vsurie to the like effect 218
For not amending high wayes 219
For not keeping Watch 220
For Watch at the Sea coast 221
For killing a man by Witchcraft 222
The like *aliter* 223
For bewitching a horse 224
For taking away of a widdow 225
For burglarie by night 226
For stealing a hog 227
For a wilfull escape 228
For stealing sheepe 229
For breaking of a house and committing of murder 230
For manslaughter 231
For vsing more arts than one 232
For regrating of corne 233
For robberie by the high-way 234
For burglarie in a dwelling house 235
For murder *ex propensa malitia* 236
For Sacrilege 237
For keeping a blind Taverne without a signe, and lodging, &c. 238
For selling Ale in Vessels called Kilderkins 239
Against a Priest for keeping a Concubine, 240
For not comming to Church 241
For Periurie 242
For fishing in a Mill pond 243
For murder 244
The like *aliter* 245
For Burglarie by a woman 246
For a trespasse in a Corne field 247
For manslaughter 248
For a wilfull escape 249
The like *aliter* 250
For forcible entrie not reciting the statute, 251
For vsing a trade, hauing not serued his apprentishipp 252
For a ryot 253
For saying of Masse 254
An Indictment for mouing to rebellion 255
Against an Eschetor for extortion 256
For slandering the Queene 257
Against a common Barretor. 258
For cutting, filing, and vttering of Siluer. 259
For enclosure 260
For wilfull murder 261
The like *aliter* 262
For a riot 263
For counterfeiting the Kings Letters patents to beg 264
For stealing of horses 265
For robberie by the high-way 266
For cutting a purse. 267
For taking away of a woman seruant 268
For breaking into a house and burning it. 269
For procuring seruāts to depart from their masters 270
For keeping hounds and hunting 271
For robbing a Church 272
For an escape vpon suspition of felonie, 273
For stealing of conies. 274
Against a Gaoler for suffering an escape. 275
For stopping & turning of a water course. 276
For forcible entrie 277
For murdering of a yong child 278
For hunting in a Parke 279
For burglarie by night 280

The

The like *aliter* 281
For ſtealing graine out of a Barne 282
For ſtealing graine out of a Milne 283
For ſtealing of linnen 284
For ſtealing of a guilt cup 285
For receiuing of a felon knowing, &c. 286
For ſtealing of horſes 287
For robberie by the high-way. 288
The like *aliter* 289
The like *aliter.* 290
For ſtealing of ſheepe 291
For burglarie in the day 292
For murder 293
For counterfeiting of teſtons 294
For coyning of money 295
For burning a dwelling houſe and diuers other things 296
For breaking of priſon. 297
The like *aliter* 298
Againſt keeping of Greyhounds, hounds, &c. 299
For ſtealing of oxen 300
For wilfull murder 301
For manſlaughter 302
For treſpaſſe in a cloſe 303
For way laying 304
For treſpaſſe in a cloſe 305
For a Ryot 306
For aſſaulting one, and taking away foure Kyne, which, &c. 307
For reſcous 308
For manſlaughter 309
For cõcealing of ſlanderous words againſt the Queene 310
An Inquiſition vpon the view of a dead bodie, who died of an Ague 311
An Inquiſition of one killed by a Keeper. 312
For confederacie againſt the Qu. 313
For maintenance 314
For forcible entrie 315
For ſhooting in a gun 316
The title of the generall Seſſions, folio 150 a
The trauerſe of an Indictment of Forcible entrie f. 150 b
For making of gold in another country, & vttering of it here 317
For a treſpaſſe in a cloſe 318
An Inquiſition vpon one that killed himſelfe. 319
An inquiſition of one ſlain by misfortune 320
And indictment for way-laying 321
An inquiſition of wilfull murder 322
An indictment for manſlaughter 323
For keeping a bawdie houſe 324
For keeping of ill rule 325
For keeping a bawdie houſe 326
For ſlandering a Iurie 327
Againſt a woman as a common barretor. 328
For Rape by a Miniſter 329
Againſt foreſtallers of the market 330
Againſt a Gaoler for enlarging a priſoner without warrant 331
For theft by a woman 332
The like *aliter* 333
For theft 334
Againſt an Hereticke for vſing of words. 335
For burglarie 336
For mayhem 337
An indictment vpon the ſtatute of 5. R. 2. 338
An information wherin the partie deſireth the good abearing of one 339
For a treſpaſſe in a cloſe. 340
The like *aliter* 341
The like *aliter* 342
The like *aliter* 343
For taking a Cade of Sprats by extortion. 344
For repairing of high-wayes 345
For ſtopping of a common Sewer 346
For not repairing of a bridge 347
For incloſing the high-way 348
For killing one in his owne defence 349
An inquiſition vpon one ſlaine by one *Se defendendo.* 350
For a riotous Reſcous of cattell 351
For maintenance 352
For hard vſage of a priſoner to compel him to accuſe another 353
For procuring one to commit a burglarie. 354
For murder 355
For keeping a comon tipling houſe being a common barretor 356
An inquiſition vpon one that was drowned 357
An indictment of murder taken before the Coroner. 358

An Inquisition vpon one that hanged himselfe. 359
An inquisition vpon one that was murdered by an vnknowne person 360
For robbing by the highway 361
An inquisition vpon a woman that killed herselfe 362
An indictment for cosening of Clothiers 363
The Indictment of William Hacket for treason and conspiracie 364
Another to the like effect of the same partie 365
For recusancie 366
A plea to the Indictment before, folio 161 b.
The *Venire facias* for the returning of a Iurie fol. 162. a.
An Indictment for burglarie. 367
An order in framing of Indictments fol. 162. b.

Of Compromises and Arbitrements.

Defined Sect. 1.
Diuided 2
Generall 3
Speciall 4
Parts of Iudgements 5
Person in Indgements 6
Persons striuing 7
Persons striuing 8
What persons may compromit, and what not 9
Impediments to compromit 10
Impediments in mind naturall 11
Impediments in mind casuall 12
Impediments in bodie 13
Dumbnesse and deafnesse naturall and casuall 14
Impediments legall, subiection and ioynt power 15
Couerture 16
Death ciuill 17
Compromise 18
Attainder and Outlawrie 19
Ioynt power 20
Arbitrators defined 21
The choice of Arbitrators 22
Sufficiencie of arbitrators considered 23
A fooles Arbitrement 24
A simple magistrates arbitrement 25
Defects of the bodie in arbitrators 26
Arbitrators indifferent, who? 27
The question 28
The question double 29
The question of the fact 30
The question of right 31
What is to be considered in each question 32
What things are arbitrable, and what not 33
Circumstances regarded in submission 34
Of the power giuen to arbitrators 35
Of time and place 36
A compromise with couenants to perform the same 37
Of binding the parties to performe an award 38
The condition of an obligatiō to perform an award 39
Of the condition to performe an award of lands. 40
Whether power to arbitrate may be assigned 41
Whether the cōpromittors may discharge the arbitrators, or no 42
What an arbitrement is 43
Things to be regarded in arbitrement 44
An arbitrement of lands, by which the partie couenanteth to performe it. 45
An arbitrement of debt, whereby the parties are bound to performe it 46
An award of debt by an Earle, vpon submission by bone 47
Of notice of the arbitrement 48
The finall cause of arbitrements 49
An award of copihold lands 50
An award reciting certain bonds for the performance of an award, & that the award was made 51

Of the Chancerie, Proceedings and Supplications, Billes, and Answers.

OF the Chancerie Sect. 1,
Of strict or precise law 2

Of

Of Equitie 3
The diuision of Equitie 4
The efficient cause of equitie 5
The materiall cause of equitie 6
The formall cause of equitie 7
The finall cause of Equitie 8
Why Equitie is sometime compared to a Ruler 9
How Equitie and Clemencie doe differ 10
Of the difference betwixt equitie and strict Law 11
How the Chancerie is termed the court of Conscience 12
Conscience defined 13
Of Iudgements in Chancerie 14
Of the power ordinarie of the Chancerie 15
Of the power absolute of the Chancerie 16
Of a Subpœna 17
Cases remediable in Chancerie 18
Certaine cases where the partie is remedilesse in Chancerie 19
Of the ordinarie proceeding in the high Court of Chancerie 20
A Subpœna for costs 21
An attachment 22
An Attachment with Proclamation 23
An Attachment in the Cinque Ports 24
An Attachment in the countie Palatine of Lancaster 25
An Attachment against one dwelling in the countie Palatine of Chester 26
A commission of Rebellion 27
A Supersedeas of the commission of rebellion 28
A Supersedeas to the Chancellour of the countie Palatine of Lancaster 29
The like to the Chamberlaine of Chester 30
A Supersedeas of an attachment 31
Of an Iniunction 32
Of apparance 33
Of a Dedim. potestatem to receiue an answer 34
Of a Supersedeas 35
A Commission vpon a false *Affidavit* 36
Of an imperfect answer 37
Reioyning and ioining in Commission *ad examinand' testes* 38
A Commission *ad examinandum testes* 39
A note by the Commissioners to giue &c. 40
Of citing witnesses 41
A Subpœna *ad testificand'* 42
The Stile of Interrogatorie 43
The Stile of the depositions thereupon taken 44
Of Publication, Hearing, and Breuiates 45
A commission to the Sheriffe to keepe the Plaintife in possession 46
A commission to certifie depositions taken by commission 47
A commission to examine witnesses in perpetuall memorie 48
Subpœna ad testificandum super petitione 49
Aliter ad testificand' ad assisas super Articulos 50
Subpœna ad ostend' causam quare euiden non deliberent'. 51
Subpœna ad testificand' ad assisas in Lod 52
Subpœna ad testificand' coram Vicecomit Lond 53
Subpœna pro euidencijs adferendis 54
Aliter pro Obligatione deliberand 55
Subpœna de Atturnat faciend 56
Commissio ad recipiend' & ad examinand' testes 57
Commissio ad audiendum & terminandu &c. 58
Commissio ad examinand' testes & locum &c. 59
Commissio ad superuidendum & distring' vastum 60
A Commission to the Lo. Deputie of Ireland, and the Lord Chancellour for the hearing and determining of a title of land 61
What a bill of Complaint is 62
The direction of the bills 63
What an answer is 64
What a Replication is 65
What a Reioinder is 66
What a Surreioinder is 67

A bill

A bill of complaint for entring and making secret estates of the land, wasting part thereof, and mingling part with other lands, to disherit the plaintife by hauing the writings thereof. 68
The answer to the bill. 69
The Replication to the answer 70
A Bill to stay suit at the common law vpon an obligation 71
A Bill for the withholding of a writing & taking the profits of the land, and false charging of the plaintife with the esloyning of a Cow. 72
The answer therunto 73
A Bill to be relieued for obligations made for Symonie. 74
A Bill for boarding 75
A demurrer for double vexation 76
A Bill for not surrendring a lease in trust, for wasting teaths demised, and withholding of writing. 77
A Bill by an Administratour vpon a promise made to the intestate of certaine marriage money, to be payd by the defendant 78
A bill for entring into, & detaining lands, by colour of hauing the Euidences thereof, and for contriuing secret estates 79
A bill for certain mony that should haue beene payd in consideration of a lease agreed to be made of land. 80
An answer and demurrer to the same bill. 81
The Replication to the said answere and demurrer, 82
A bill for money lent without specialtie and witnesses. 83
The answere thereunto 84
A bill for retaining of bonds payde, and praying an Iniunction to stay suit therupon. 85
A Bill to examine witnesses *in perpetuam rei memoriam.* 86
A bill for deliuerie of sheepe by an executor conuerted to his owne vse, 87
The answer thereunto. 88
The replication to the answer, 89
A bill for a debt vpon a contract without witnesse. 90
The answer and demurrer thereunto. 91
A Bill to be discharged of bonds made vp, on promise, not to bee preiudiced thereby, laying open diuers lewd practises by the defendant. 92
A Bill for receiuing of the plaintifs goods of his wife, and detaining of them. 93
The answer thereunto. 94
The replication to the answer, 95
A bill for that the defendants haue gotten the plaintifes bill, whereby they stood bound vnto him, meaning thereby to defraud him of his debt. 96
A bill for wrongfull entrie into lands detaining of the writings, wasting the same, & contriuing secret estates. 97
A bill for detaining of a lease for yeares, 98
A bill by an Executor for money for boarding. 99
A bill for not entring into bond to saue a suretie harmelesse, according to promise 100
A bil for making false *Affidauit* for appearance. 101
A Bill to bee relieued of an Obligation, where the money was paid. 102
A bill for not procuring an acquittance of rents paid according to promise. 103
A bill for not paying of mony, nor sauing the suretie harmeleſſe. 104
A bill for entituling ones selfe to certaine ground, and selling the woods thereupon. 105
A bill against executors, for not deliuering of Specialities paid 106
A bill against executors, vpon a priuate promise made by their testator, alleaging that they haue wasted their testators goods. 107
A bill for diuers Euidences. 108
A bill for not making assurance of lands, according to a couenant, alleaging that the defendants haue gotten the indenture thereof, and that some of them were within age at the making thereof. 109
A Bill against an heire for entring into lands deuised to the plaintife, praying a Commission to examine witnesses *in perpetuam rei memoriam.* 110
A bill for refusing to receiue the plaintifes rent according to an order, and taking the

The forfeiture of a bond for the payment thereof 111
A bill for money for cattell sold vpon trust 112
A Reioynder 113
A bill for giuing one a word with a Recreant and promising to answer all dammages done to his master by him 114
The answer thereunto 115
The Replication to the same answer 116
A bill for entring and detaining Copihold lands, by reason of the detaining of the writings thereof 117
A bill by gardeins for euidences 118
The answer thereunto 119
A bill to be discharged of a Recognisance, with Answer, Replication, and Reioynder thereunto 120
A bill for the wrongfull detaining of a deede of demise, which came vnto him by intermarriage 121
A bill against an Infant for boording and apparel, & not performing of a lease 122
A bill of debt vpon a contract against the suruiuing partner, and the administrator of another 123
A bill vpon promise to forbeare debt due and yet suit of the bond 124
The answer thereunto 125
The Replication to the answer 126
The Reioinder to the Replication 127
A bill for detaining lands with Euidences 128
The answer to the bill 129
The replication to the answer 130
A Bill for debt leuied by extent 131
The answer to the bill 132
A bill to cause one to shew his lease whereby he holdeth, &c. 133
The answer to the bill 134
A bile for a tide of land entailed 135
The answer to the bill 136
A Supplication in the Chancerie vpon deceit by a partner 137
A bill for the recouerie of euidences made by distresse 138
A bill of a tide of copihold lands, praying an Iniunction 139
A bill for debt without specialitie 140
The answer to the bill 141
A bill vpon certain griefes praying a certiorari 142
A bill where a Iuste hath passed in a matter wrongfully, praying a Certiorari 143
A bill against an Administrator for suing of a bond promised by the testator not to be put in suit till the death of the other 144
A bill for wrongful entrie into lands inmailed, by reason of hauing the writing thereof, and making diuers secret estates 145
A bill for deliuerie of heire loomes or pinnacles to the heire, according to the custome 146
A bill for the deliuerie of an Obligation promised by the obligee, to be deliuered vpon the acknowledgement of a fat. which the plaintife did beeing within aged 147
The answer to the bill 148
A bill for not beeing suffered to enter into lands deliuered to extent, desiring the view of the euidences thereof, the plaintif forbearing before to take the profits, vpon referment of the matter vnto two whose order the defendant withstood. 149
The answer to the bill 150
A bill for detaining of euidences, tering into the land, and making secret estates 151
The answer of one of the defendants to the bill 152
The replication to the answer 153
A bil for a commission vpon the statute of 13 Eli. cap. 7. as touching Bankerupts 154
The commission vpon the said statut of 13 Eli. 155
The Precept to the Officers to make Proclamation 156
The Proclamation 157
An Indenture vpon the said commission between the commissioners and the creditors 158
The manner of entituling the Schedule 159
A bill by a prisoner to compell the defendant to proceed to agreement, according to an order made by the L. Chancellor that is dead 160
A bill to compell the Executours to pay &c.

legacies, the diuisers being remediles at the Spirituall law 161
A bill praying an iniunction for stay of a suit in the Exchequer vpon an vntrue surmise 162
The answer of one of the defendants to the bill 163
The answer of the rest of the defendants to the bill 164
The Replication to the former Answers. 165
A supplication by maimed souldiers for the Counsels licence to beg, with clauses whereby the Qu. gaue in recompence become void 166
A supplication by a Marchant stráger called before in question vpon suppoſall of of coſenage, desiring his libertie may not be impeached till the matter be fully examined 167
A supplication by an Inkeeper imprisoned vpon a suppoſall of counterfeiting Letters from the Councell, prayinge to detect others, & praying also to write Letters to the Commissioners for debt in the Fleete in his behalfe 168
A Supplication praying a warrant from the Counsell, for the defendants refusing an order set downe by the counsell 169
A supplycation praying the Councelles letters to the Lord President & Counsell of Wales, for the bailement of the plaintifes being imprisoned vpon a pretended murder by them 170
A supplication to haue the Councelles letters to two, to haue the hearing of a controuerſie of an account 171
A supplication by prisoners in the Fleet for Misdemeanors sentenced in the Starre Chamber, to be enlarged 172
The like *aliter*, onely crauing the benefit of the generall pardon, and dischargement of one of his fines 173
The like *aliter*, onely praying further that his prison charges might be satisfied by one A.B. by whose meanes he was drawne into the action 174
The maner of proceeding vpon a speciall *certiorari* 175
A *Corpus cum causa* to remoue the prisoner 176
Of a writ of *diem clausit extremum* 177
Datur nobis intelligi 178
The same Writ *aliter* fol. 285.a
Of a Mandamus 179
A Note where a *diem clausit extremum* shal be had, and where not 180
Of Commissions after the death of the Q. tenant 181
Quæ plura 182
Melius inquirendum 183
A Writ de *ætate probanda* 184
The same writ *aliter* fol. 289.b
A Commission *pro ætate probanda* fo. 289.b
A *Venire facias* to the sheriff vpon the same Commission fo. 290.a
Of Homage done respited *ibid.*
A diem clausit extremum post mortem felonis fol. 290.b.

Pleadings in the Court of Exchequer.

AN Information against Intruders into the Kings lands vnlawfully Sect. 1.
An Information against [illegible] and spoylers of the Kings game 2
A bill exhibited by a Collector against persons that confederated to defraud the plaintife 3
A bill against such as go about to frustrate the Kings letters Patents, and to preiudice his title 4
An answer to a bill of complaint 5
An answer by three defendants supposed by the plaintifes bill to haue no title in the lands mentioned, which answer was taken by Commissioners & returned 6
An answer of an Vndersheriffe to a bill exhibited against him and others, for deceitfull dealing in his office 7
An answer to a bill, wherein the plaintife suggesteth, that the defendant oweth seruice to the plaintifes mill 8
An answer to an information, preceding the def. mannor is liable for a debt due to the King 9
A demurrer & answer by the def. that the pl hath not enabled himselfe to sue in this Court 10

A demurrer and answer to a bill, wherein the def. are charged with vniust exactions by fees taken of Clothiers 11
A Replication, whereby the plaintif maintaineth his bil against the def. for dissuading the tenants from doing their seruices to their Lord 12
A Replication, that the defen. hath broken part of the plaintifes soyle, &c. 13
A reioinder wherin the def. denie the withholding of any gleab lands, &c. 14
A Reioinder wherein the defen. pleadeth to be discharged of a debt, alleging that he is executor to the husband of an Executrix, &c. 15
An Information into the Exchequer for the viewing of vnlawfull paiments and allowances 16
A patent granted to one to be an Informer 17

Pleadings in the Court of Wards and Liueries.

A Bill to be signed for the double value of a Wards marriage. See 1.
A Petition fol. 311.b.
An Inquisition to find a Lunatike 2
The draught of Master W. C. his pardon for the marriage of the ladie R. before her Maiesties pleasure and consent was declared 3
A Plea of trauers vnder the great Seale of England 4
A bill or petition for the defaulking of a rent issuing out of the Wards lands, and not found by office out of the lease, &c. 5
Iniunction to stay a suit commēced in the Spirituall Court for Tithes 6
An Inquisition, whereby a conueyance is found fraudulent 7
A Commission to enquire of a fraudulent conueyance 8
An Inquisition vpon a deuener after the death of an heire within age, & in ward 8
An answer to a bill of complaint. fo. 323
An Information against one for altring & rasing the name of a defendant 9
A petition to the Master of the Wards, for the wardship of the bodis and lands, &c. fol. 324
A bill to pray licence for trauerse 10
An information for the value of the marriage of a Ward, married after the fathers death 11
An Information for the title of an aduowson of a Wards lands 12
An Information for the reliefe of an Administrator of the ancestor of the Ward 14
An Information for detaining of euidences, & concealing the tenure of the lāds of a supposed Ward 15
An Information against certaine persons for vnlawfull intruding vpon a supposed Wards lands, &c. 16
A bill for the deliuerie of a release, and other euidences into the court to preserue the inheritance of the heire 17
A supplication not to haue the body of a Ward disturbed vntill the truth of the office may be examined 18
An iniunction to auoid possession vpon a lease 19
An Iniunction to stay from cutting down of woods 20
The like *alias* fol. 331.a.
A Bill for an Iniunction to auoid frō land found by office 21
A bill of Complaint for an Iniunction to stay a suit at the Common law 22
A bill of petition into the Court of wards for the continuance of the tener of Liuerie 23
A Letter to a Noblema to appeare and answer to a bil in the court of Wards, &c. 24
An Information against an officer at arms for pulling down & defacing the Coat-Armor &c. remaining in a Cathedrall Church belonging to the father of a Ward, &c. 25
A demurrer wherein the def is charged for mony that he had paid vpon a bargaine of wood which the plaintifes suppose to belong to a ward, &c. 26
A reioinder to a replication 27

Pleadings in the Starre-Chamber.

THe dignitie of the high Court of Star-Chamber fol. 337

A Bil of getting for a Subpœna out of the Star-Chamber, exhibited by Sir I. T. against Iustice T. as well for diuers Riots committed by his ſeruants, as alſo for breaking his oath, &c. in which is recited the oath of a Iuſtice of the common lawes, and his duty. Fol. 1
A bill into the Starre-Chamber for a Riot 2
A Bill for forgerie of obligations 3
A Bill where the partie by forcible entry is put out of poſſeſſion, beaten, & his corn carried away riotouſly 4
An Information againſt a Vicar for periurie 5
A bill exhibited by the Queenes high Almoner, for detaining of ſuch goods as were fort to her Maieſtie. 6
A bill againſt Riotors fol. 345. b
The anſwer of a defe. pleading not guiltie being charged with Reſcouſe, conſpiracie, &c. 7
A demurrer and anſwer, wherein the def. alleageth, that the plaintif pretendeth to put the defen in iopardie of loſing his life for beating and wounding the Complainant, according to the bill exhibited 8
The forme of a Replication to ſeuerall anſwers 9
A Replication maintaining, That the def. haue committed maintenance, periurie, &c. 10
The forme of a Reioinder 11
A bill againſt Riotors 12
The forme of a bill into the Court of Requeſts fo. 349. b.
Words of courſe in an Anſwer to a Bill of Complaint fol. 350. a
Words of courſe in a reioinder fol. 350. b

FINIS.